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43<sup>D</sup> ANNUAL REPORT  
OF THE  
INTERSTATE COMMERCE  
COMMISSION



NOVEMBER 30, 1929



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UNITED STATES  
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## INTERSTATE COMMERCE COMMISSION

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## REPORT OF THE INTERSTATE COMMERCE COMMISSION

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WASHINGTON, D. C., November 30, 1929.

*To the Senate and House of Representatives:*

The Interstate Commerce Commission has the honor to submit herewith its forty-third annual report to the Congress. The period covered by this report extends from November 1, 1928, to October 31, 1929, except as otherwise noted.

A statement of appropriations and aggregate expenditures for the fiscal year ended June 30, 1929, is embodied in this report.

### BUREAU OF ACCOUNTS

As stated in prior annual reports of recent years, the requirements of section 15a of the interstate commerce act have had the result of largely restricting the activities of the field force of this bureau to accounting examinations for the sole purpose of determining the correct net railway operating income of steam railroads, one of the principal factors in the determination of excess income subject to recapture by the Government.

During the year we have made 595 such examinations under section 15a, one under section 204 of the transportation act, 1920, and 54 special examinations incidental to our general accounting work. The number of examinations under section 15a was materially less than the number made the previous year, but this was due to the fact that in general larger carriers were involved. The special examinations included the investigation into refrigeration charges on fruits, vegetables, berries, and melons, which was referred to in our last annual report. The investigation into these charges from the South has been completed and resulted, in general, in substantial reductions which were required in *Refrigeration Charges on Fruits, etc., from the South*, 151 I. C. C. 649, and have gone into effect. This proceeding has, however, been reopened to permit the carriers to present further evidence. The accounting investigation into the similar charges from the West is nearing completion.



The supplemental hearings following the reopening of the steam railroad and telephone depreciation cases, to which reference was made in our last report, were concluded on November 26, 1928, and a proposed report based upon this amplified record has been issued, to which exceptions have been filed which are soon to be orally argued. It is anticipated that we shall be able to determine the very important matters involved in these proceedings at a comparatively early date in the coming year.

The presentation of evidence at hearings on the revision of our accounting classifications for steam railroads, to which reference was also made in our last report, was likewise completed on November 26, 1928, and a proposed report thereon has been issued, the exceptions to which will be argued at the same time with the depreciation cases. Following this argument the work of preparing in final form the revision of the accounting rules for steam railroad companies, and also for telephone companies, will be brought to a completion at the earliest practicable date. The proposed report on the steam railroad classifications recommends further extensive research into the matter of what is termed cost accounting, and this recommendation will also receive most careful consideration. Discussion of it at the present time would obviously be inappropriate.

In order that the utmost practicable uniformity in the accounts of all carriers, with due regard to the differences in the character of their activities, may be secured, tentative drafts of revised accounting rules for all other classes of carriers will be issued, based so far as is reasonably possible upon the revisions for steam railroads and telephone companies. Before final revisions are adopted in these other cases, the carriers involved and all others interested will be given full opportunity to present their views.

The policing of carriers' accounts by general examinations, the importance of which we have mentioned in previous annual reports, continues to be suspended, no general examinations having been made during the year. We have been obliged to omit these examinations in order to perform the accounting examinations necessary to the determination of excess income under section 15a of the act.

## BUREAU OF FINANCE

### CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

The following is a statement of applications filed during the year for certificates of public convenience and necessity under the provisions of paragraphs (18) to (22) of section 1 of the act, and of the disposition made of applications:

Item	Number	Miles of road
Applications filed:		
For authority to construct new lines or to extend existing lines.....	79	3,307.262
For authority to abandon mileage.....	69	834.920
For authority to operate or to acquire and operate.....	58	3,190.830
Total.....	206	7,333.012
Certificates issued:		
Authorizing new construction.....	45	618.198
Authorizing abandonment.....	48	539.535
Authorizing operation or acquisition and operation.....	67	2,035.639
Total.....	160	3,193.372
Applications denied:		
For authority for new construction.....	8	464.480
For authority to operate or to acquire and operate.....	1	16.724
Total.....	9	481.204
Applications withdrawn:		
For authority for new construction.....	11	356.667
For authority to abandon.....	1	.710
For authority to operate or to acquire and operate.....	1	11.000
Total.....	13	368.377
Applications dismissed:		
For authority for new construction.....	1	60.000
For authority to operate or to acquire and operate.....	1	229.710
Total.....	2	289.710

A number of applications disposed of during the year were pending on October 31, 1928.

In our last report it was shown that of the railway mileage for which we issued certificates authorizing new construction since the effective date of this provision of the act, we had information that approximately 3,424.10 miles had been constructed.

We have been advised by carriers during the year covered by this report that approximately 1,005.09 additional miles of road has been completed.

We have continued the practice of enlisting the cooperation of the State commissions in these cases. In 36 of them hearings have been held for us by State commissions and in most of such cases in which a decision has been reached their recommendations and our conclusions have coincided.

A list of certificates issued will be found in Appendix F.

#### ACQUISITION OF CONTROL OF ONE CARRIER BY ANOTHER CARRIER

Under the provisions of paragraph (2) of section 5 of the act we are authorized to approve, by order, the acquisition by one carrier of control of one or more other carriers, whether by lease, purchase of stock, or in any other manner not involving the consolidation of such carriers into a single system for ownership and operation, whenever we are of opinion, after hearing, that such control will be in the public interest, the acquisition to be under such rules and regulations, for

such consideration, and on such terms and conditions as shall be found by us to be just and reasonable. Under this paragraph 56 applications have been filed, 44 authorizations have been issued, 3 applications have been denied, 3 dismissed, and 2 withdrawn.

A list of authorizations issued will be found in Appendix F.

We granted the application of the New York Central Railroad Co. to acquire control, by lease of the systems of the Cleveland, Cincinnati, Chicago & St. Louis Railway Co., and the Michigan Central Railroad Co., and the properties of the Chicago, Kalamazoo & Saginaw Railway Co. One of the conditions imposed by us was that before the proposed leases shall become effective the applicant offer to acquire certain specified short lines for considerations equal to their commercial values to be determined (a) by agreement between the parties, or (b) by arbitration in the manner prescribed in the leases for valuation of minority shares of stock of the lessors, and hereafter approved by us. Authority was also granted to the Atchison, Topeka & Santa Fe Railway Co., and its subsidiary, the Panhandle & Santa Fe Railway Co., respectively, to acquire control, by lease, of the railroad of the Kansas City, Mexico & Orient Railway Co., and its Texas subsidiary.

There are pending under this section a number of applications of major importance seeking authority to effect acquisitions of various carriers in eastern and northwestern territory.

#### CONSOLIDATION OF TELEPHONE COMPANIES

Under paragraph (9) of section 407 of the transportation act, as amended, we have received 43 applications and granted 44, authorizing telephone companies to merge their properties or portions thereof, or permitting one telephone company to acquire control of another by purchase of capital stock.

A list of authorizations will be found in Appendix F.

#### ISSUANCE OF SECURITIES AND ASSUMPTION OF OBLIGATIONS

We have received 197 applications and 35 supplements thereto, under section 20a of the act, and have authorized the issue of securities and the assumption of obligations and liabilities in respect of securities of others in the following aggregate amounts and for the following purposes:

##### Preferred stock:

For acquisition of property, including equipment .....	\$6, 100, 000. 00
For construction of new lines, extensions, facilities, etc.....	3, 400, 000. 00
For conversion of unmatured funded debt.....	1, 350, 000. 00

Total.....	\$10, 850, 000. 00
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Prior-preference stock: For conversion of unmatured funded debt-----		\$7, 500, 000. 00
Common stock:		
For acquisition of property, including equipment -----	\$1, 385, 700. 00 <sup>1</sup> 100, 500	
For acquisition of property other than equipment -----	109, 646. 31	
For acquisition of property other than equipment, and for construction of new lines, extensions, facilities, etc-----	12, 000, 000. 00 <sup>1</sup> 13, 844	
For acquisition of securities of other companies -----	830, 000. 00	
For acquisition of securities of other companies, and/or reimbursement of treasury for capital expenditures not capitalized, and/or for other corporate purposes-----	30, 000, 000. 00	
For additions and betterments (nature not fully specified)-----	31, 058, 500. 00	
For construction of new lines, extensions, facilities, etc-----	1, 423, 850. 00	
For conversion of unmatured funded debt_	133, 479, 900. 00	
For exchange for common stock-----	5, 659, 800. 00	
For exchange for unmatured funded debt_	3, 000, 000. 00	
For general corporate purposes (not segregated)-----	21, 953, 870. 00 <sup>1</sup> 1, 000	
For in lieu of common stock previously authorized-----	161, 000. 00	
For in lieu of preferred stock previously authorized-----	644, 000. 00	
For payment of advances-----	28, 202, 880. 00	
For payment of indebtedness consisting of judgments and advances-----	398, 000. 00	
For refunding purposes-----	1, 950, 000. 00	
For reimbursement of treasury for capital expenditures not capitalized-----	13, 528, 300. 00	
For sale to meet matured funded debt---	398, 000. 00	
For stock dividends-----	9, 600, 000. 00	
Total-----		295, 783, 446. 31 <sup>1</sup> 115, 344
Leased-line stock certificates: For exchange for preferred stock-----		<sup>2</sup> 164
Total stock-----		314, 133, 446. 31 <sup>1</sup> 115, 344 <sup>2</sup> 164

<sup>1</sup> Shares of stock without nominal or par value.

<sup>2</sup> Shares.

**Bonds, mortgage:**

For acquisition of property, including equipment.....	\$5,814,800.00
For acquisition of property other than equipment.....	454,000.00
For acquisition of securities of other companies.....	15,500,000.00
For additions and betterments (nature not fully specified).....	15,003,600.00
For construction of new facilities.....	1,000,000.00
For construction of new lines, extensions, facilities, etc.....	8,418,200.00
For exchange for bonds previously authorized.....	36,258,000.00
For exchange for matured funded debt...	1,833,000.00
For exchange for unmatured funded debt...	5,001,000.00
For extension of matured funded debt...	53,998,000.00
For extension of unmatured funded debt...	650,000.00
For general corporate purposes (not segregated).....	1,629,000.00
For in lieu of bonds previously authorized.....	688,000.00
For payment of advances.....	77,100,500.00
For payment of indebtedness, consisting of judgments and advances.....	1,000,000.00
For pledge.....	18,498,000.00
For pledge and for refunding purposes...	106,000.00
For pledge and for reimbursement of treasury for capital expenditures not capitalized.....	26,303,000.00
For refunding purposes.....	4,404,000.00
For reimbursement of treasury for capital expenditures not capitalized.....	106,270,000.00
For retention in treasury, subject to further order.....	25,429,000.00
For sale—proceeds used for capital purposes, including acquisition of equipment.....	3,444,000.00
For sale to meet matured funded debt...	52,251,000.00
For sale to meet unfunded debt.....	2,600,000.00
Assumption of obligation and liability in respect of \$56,518,000.	
Total.....	<u>\$463,653,100.00</u>

**Debentures:**

For acquisition of equipment.....	3,065,000.00
For acquisition of property, including equipment.....	32,000,000.00
For additions and betterments (nature not fully specified).....	13,608,000.00
For exchange for matured funded debt...	149,300.00
For payment of advances.....	179,700.00

**Debentures—Continued.**

For reimbursement of Treasury for capital expenditures not capitalized-----	\$43,988,000.00	
For sale to meet matured funded debt---	153,235,000.00	
Total-----		\$246,225,000.00

**Notes, secured:**

For acquisition of property other than equipment-----	125,000.00	
For construction of new lines, extensions, facilities, etc-----	473,644.00	
For extension of matured funded debt---	310,000.00	
For extension of matured unfunded debt---	400,000.00	
For sale—proceeds used for capital purposes, including equipment-----	710,000.00	
For sale to meet matured funded debt---	575,000.00	
Assumption of obligation and liability in respect of \$3,050,000.		
Total-----		2,593,644.00

**Notes, unsecured:**

For acquisition of equipment-----	4,076,616.96	
For construction of new lines, extensions, facilities, etc-----	5,250,000.00	
For exchange for matured funded debt---	1,889,196.74	
For extension of matured unfunded debt---	2,600,000.00	
For general corporate purposes (not segregated)-----	71,453.22	
For payment of advances-----	2,722,215.83	
For refunding purposes-----	80,758.33	
Total-----		16,690,241.08
Total notes-----		19,283,885.08

**Equipment obligations:**

Assumed by carrier-----	112,515,000.00	
Issued by carrier-----	450,000.00	
Assumption of obligation and liability in respect of \$140,894.		
Total-----		112,965,000.00

**Receivers' certificates:**

For acquisition of equipment-----	100,000.00	
For additions and betterments (nature not fully specified)-----	648,560.00	
For general purposes (not segregated)---	250,000.00	
For refunding purposes-----	3,125,000.00	
Total-----		4,123,560.00
Grand total securities-----		1,160,383,991.39
		<sup>1</sup> 115,344
		<sup>2</sup> 164

<sup>1</sup> Shares of stock without nominal or par value. <sup>2</sup> Shares.

Under paragraph (9) of section 20a certificates of notification of the issue of notes, maturing within two years, in the aggregate sum of \$43,201,576.02 were filed.

There were pending at the close of the period covered by our last annual report applications by the Alton & Eastern Railroad Co., the Baltimore & Eastern Railroad Co., the Beaver, Meade & Englewood Railroad Co., the Chicago Produce Terminal Co., the Detroit & Iron-ton Railroad Co., the Graham County Railroad Co., and the Minarets & Western Railway Co., for authority to issue common capital stock, and of the Western Pacific Railroad Co. for authority to issue preferred capital stock for various capital purposes, including the acquisition or construction of lines of railroad or extensions thereof, the construction of terminal facilities, the acquisition by the applicant or a subsidiary of additional lines of railroad, and the paying of funded indebtedness or other indebtedness incurred for capital purposes. These applications have been granted. Applications for authority to issue common capital stock for similar purposes or to reimburse the treasury for expenditures made for such purposes filed by the Alton & Southern Railroad, the Baltimore & Ohio Railroad Co., the Bangor & Aroostook Railway Co., the Big Creek & Telocaset Railroad Co., the East Kentucky Southern Railroad Co., the Mayo & Cook's Hammock Railroad Co., the St. Louis Southwestern Railway Co., the St. Paul Bridge & Terminal Railway Co., the San Luis Valley Southern Railway Co., and the Santa Fe, San Juan & Northern Railroad have also been granted. The Cincinnati Union Terminal Co. made application and was authorized to issue preferred capital stock in connection with the construction of a union passenger station. The Chesapeake & Hocking Railway Co. and the Long Island Railroad Co. made application for authority and were authorized to issue common capital stock in payment of advances made by controlling companies for capital expenditures. The foregoing applications cover the issue of \$91,611,846.31 of common capital stock having a par value, 14,344 shares of common capital stock without par value, and \$3,800,000 of preferred capital stock.

Applications for authority to issue convertible debentures in the aggregate amount of \$148,931,000, and to issue, from time to time, in conversion thereof, if and when presented for such purpose by the holders, not exceeding \$133,404,900 of common capital stock, were filed by the Atchison, Topeka & Santa Fe Railway Co., the Chicago & North Western Railway Co., and the Northern Pacific Railroad Co. The Boston & Maine Railroad filed application for authority to issue \$7,500,000 of prior preference capital stock in conversion of a like amount of outstanding bonds. The Southern Pacific Co. applied for authority to issue \$65,166,000 of bonds with warrants



attached evidencing the right of the holder of each \$1,000 bond to purchase at any time until and including May 1, 1934, three shares of the carrier's common capital stock at \$145, and to issue, from time to time, upon the exercise of such rights not exceeding \$19,549,800 of common capital stock. The issue of debentures convertible into stock or with warrants attached entitling the holders to subscribe for stock of the applicant was found desirable by the applicant because of existing market conditions and the demand for investment securities having a speculative feature. These applications have all been granted.

An application filed by the Nashville, Chattanooga & St. Louis Railway for authority to issue \$9,600,000 of common capital stock as a dividend has been granted.

The Kansas City, Mexico & Orient Railway Co. and the Kansas City, Mexico & Orient Railway Co. of Texas made application to issue common capital stock and mortgage bonds in the voluntary readjustment of their respective capital structures. The two companies were authorized to issue an aggregate of \$8,500,000 of common capital stock and \$6,500,000 of mortgage bonds. The readjustment resulted in a decrease of more than \$10,000,000 in capital liabilities as shown on the books of the two companies, and approximately \$125,000 in annual fixed charges.

Railway Express Agency (Inc.) filed an application and was authorized to issue 1,000 shares of common capital stock without par value and \$32,000,000 of serial bonds for the purpose of acquiring the properties of the American Railway Express Co. and for working capital.

At the beginning of the period covered by this report applications by the Alabama & Western Florida Railroad Co. and the Louisiana & Arkansas Railway Co. for authority to issue securities in connection with the reorganization of predecessor companies, and for the acquisition and operation of the properties of such companies were pending. Applications for authority to issue securities for like purposes were filed by the Bridgton & Harrison Railway Co. and the Virginia Central Railway. These applications were granted either in whole or in part, the carriers being authorized to issue for the purposes stated \$409,700 of common capital stock having par value, 100,000 shares of common capital stock without par value, \$5,000,000 of preferred stock, and \$16,400,000 of mortgage bonds. An application filed by the Grand Trunk Western Railroad Co. for authority to issue securities and assume obligation and liability in respect of other securities in connection with the acquisition and operation of the properties of various companies comprising the system of the Canadian National Railway Co. in the United States, and a similar application filed by the Delaware & Hudson Railroad Corporation with

respect to the railway properties of the Delaware & Hudson Co. within the United States, are pending.

Reference was made in our last annual report to the reopening of the proceeding upon the application of the Chesapeake & Ohio Railway Co. for authority to issue stock in connection with the acquisition of control of the Pere Marquette Railway Co. Upon further hearing in this proceeding the Chesapeake & Ohio was authorized to issue \$30,000,000, par value, of common capital stock at \$100 a share instead of \$20,000,000, par value, at \$150 a share as required by our previous order.

Applications of the Great Northern Pacific Railway Co. for authority to issue securities in connection with the proposed acquisition of control of the Northern Pacific Railway Co., the Great Northern Railway Co., and the Spokane, Portland & Seattle Railway Co. pending at the close of the period covered by our last annual report are under consideration.

The complaint of *George B. Hild et al. v. Chicago North Shore & Milwaukee Railroad Co.*, No. 20516, pending at the close of the period covered by our last annual report, alleging in substance that the defendant had issued certain securities in violation of the provisions of section 20a of the act, was dismissed on the ground that it did not seek affirmative relief, but merely an expression of opinion as to whether the provisions of the act had been violated. An application by the Cincinnati, Hamilton & Dayton Railway Co. for authority to issue securities in connection with the acquisition of certain interurban electric railways was dismissed on the ground that the applicant was not a carrier within the meaning of that term as used in section 20a of the act. Upon petition of various carriers, or on our own motion where good cause appeared, we have vacated previous orders authorizing the issue of securities, or entered supplemental orders reducing the amount of securities originally authorized to be issued. Orders authorizing the issue of capital stock and bonds in the respective aggregate amounts of \$3,048,400 and \$11,638,000 were vacated and other orders so modified as to reduce the amounts of stock and bonds previously authorized \$156,500 and \$2,368,000, respectively.

The amounts of equipment-trust obligations in respect of which carriers have been authorized by us to assume obligation and liability are shown above. All the equipment obligations, except those issued directly to the builders, were sold at competitive bidding. The table given at page 12 of our last annual report gives certain data with respect to the sale of equipment obligations and of bonds in amounts of \$100,000 and over to bankers, and resales by them to the public, in cases where complete sales information is available. During 1928, equipment obligations in the amount of \$33,525,000 were sold on an

annual cost basis of 4.4 per cent to the carriers, a yield basis of 4.31 per cent to the public, and a spread in price to the bankers and to the public of 64 cents per \$100. Corresponding figures for the first six months of 1929 were \$51,555,000, 5.17 per cent, 5.02 per cent, and 92 cents per \$100, respectively. During 1928, \$351,235,000 of bonds were sold on an annual cost basis of 4.73 per cent to the carriers, a yield basis of 4.60 per cent to the public, and a spread in price to the bankers and to the public of \$2.33 per \$100. Corresponding figures for the first six months of 1929 were \$94,584,000, 5.12 per cent, 4.93 per cent and \$2.40 per \$100, respectively.

#### INTERLOCKING DIRECTORATES

Under the provisions of paragraph (12) of section 20a of the act it is unlawful for any person to hold the position of officer or director of more than one carrier unless such holding shall have been authorized by our order. During the period covered by this report we received 478 applications from individuals and 12 from carriers under this paragraph. These applications related to 837 different individuals. There were pending on November 1, 1928, 10 applications from individuals and 2 from carriers. Disposition was made of 499 applications, of which 485 individual applications and 11 carrier applications were granted in whole or in part. One individual application and one carrier application were withdrawn. One carrier application was dismissed.

As stated in our last report, the effect of the statute can not be measured by the number of cases in which we have refused to grant authority. It may be assumed that in many instances the law has exercised a controlling influence in the selection of individuals for positions with carriers having conflicting interests. Comparatively few applications for authority to serve such carriers have been filed with us.

#### REIMBURSEMENT OF DEFICITS DURING FEDERAL CONTROL

As stated in preceding reports, since the effective date of section 204 of the transportation act, 1920, 461 carriers have filed claims aggregating \$28,978,173. To date we have settled 441 claims, including 172 dismissals and 8 withdrawals. The total amount of certificates issued in settlement is \$10,428,289.71. This amount takes into consideration the cancellation referred to in the paragraph following. In issuing our certificates we also certified, pursuant to the provisions of the urgent deficiency act of May 8, 1920, that an aggregate amount of \$2,352,723.76, representing traffic balances and other indebtedness was due the Director General of Railroads, as



agent. In many cases the amount due the director general exceeded the amount payable to the carrier. The aggregate amount of such excess of indebtedness over amounts payable is \$430,465.39. The aggregate amount of our certificates applied in liquidation of the said indebtedness is \$1,922,258.37. The estimated amount required to settle the 20 outstanding claims is approximately \$500,000.

As stated in our last report, a number of the carriers owed their status as claimants under section 204 to our decision in construction of the word "deficit," 66 I. C. C. 765, as mentioned in our thirty-sixth annual report. On October 17, 1925, 99 I. C. C. 724, the finding in that report was reversed. Pursuant to the latter decision, the case of the Butte, Anaconda & Pacific Railway was reopened. Upon further hearing and reconsideration the original certificate issued March 20, 1925, in the amount of \$487,116.31 was revoked and canceled and the claim was dismissed, 117 I. C. C. 780. This action was contested by the carrier and suit for recovery of \$487,116.31 has been instituted in the United States District Court for the District of Montana, Butte division. Pending final decision in that case no action has been taken by us to cancel the certificates for approximately \$2,500,000 issued to 70 other carriers under the construction of the word "deficit," 66 I. C. C. 765.

A list of the carriers with which settlement has been effected, the amounts of certificates, and the traffic balances or other indebtedness certified in connection therewith as being due the Director General of Railroads, as agent, as well as a list of cases dismissed during the year, will be found in Appendix F.

#### SIX MONTHS' GUARANTY AFTER TERMINATION OF FEDERAL CONTROL

We stated in preceding reports that the guaranty under section 209 of the transportation act, 1920, was conditioned upon carriers filing an acceptance of its provisions on or before March 15, 1920, that 667 carriers qualified and filed claims aggregating approximately \$680,000,000 pursuant to our order of December 15, 1921, 70 I. C. C. 711, and that this order excluded from consideration certain elements in effecting settlements under the guaranty for which claims had previously been made.

To date we have settled 523 claims and dismissed 139, leaving 5 claims pending, which we estimate will require approximately \$200,000 to settle. The total amount certified in disposing of 662 claims is \$528,985,521.20.

In disposing of 662 claims aggregating \$679,867,444.65 we have disallowed under our established procedure \$150,881,923.45. These adjustments were due to accounting corrections relating to the test and guaranty periods; adjustments under section 4 of the Federal



control act with respect to interest on additions and betterments; maintenance claims not allowable under paragraph 3 of subdivision (f) of section 209, disproportionate items pursuant to paragraph 5 of that subdivision; deductions on account of unaudited items as provided in section 212; and special claims not recognized under our procedure.

A list of carriers with which settlements have been effected during the year will be found in Appendix F.

#### LOANS TO CARRIERS

Our duties during the year in connection with the revolving fund created by section 210 of the transportation act, 1920, have been only such as are usually incidental to supervision by the Secretary of the Treasury of loans outstanding under this section.

During the year a total of \$12,433,311.51 was repaid on account of the principal of such loans outstanding.

A revised list of loans and repayments, together with a statement of the condition of the revolving fund, will be found in Appendix F.

#### BUREAU OF INFORMAL CASES

The number of informal complaints received was 7,339, a decrease of 872. The carriers filed 11,843 special docket applications for authority to refund amounts collected under the published tariffs admitted by them to have been unreasonable, an increase of 121. Orders authorizing refund were entered in 10,038 cases, an increase of 661, and reparation thereon was awarded in the sum of \$1,688,419.91. In addition, 1,020 cases were dismissed or disposed of without order. The bureau also handled approximately 44,000 letters, many of which had the characteristics of informal complaints, although not so classified. Others sought general information and informal rulings upon the rights and obligations of the public and common carriers under existing statutes.

#### BUREAU OF INQUIRY

For violations of the interstate commerce act and related acts 28 indictments were returned and 12 informations filed. Seven complaints for failing to obey orders of the commission in formal cases were filed. Twenty-nine cases were concluded. Prosecutions instituted and concluded were distributed over the following States: Arkansas, California, Colorado, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming.

Indictments returned and informations filed during the year charged the operation of a railroad without a certificate of public convenience, the acceptance of concessions by shippers, false billing of shipments by shippers, filing of false claims for loss and damage by shippers with carriers, unlawful use of interstate passes, frauds in connection with the issuance and use of bills of lading, falsification of records kept by a carrier, and the making of shipments of explosives without disclosing the contents thereof.

An important decision construing the provisions of sections 10 (1) and 20 (7) of the interstate commerce act was announced by the Supreme Court on May 13, 1929, in *United States v. Fruit Growers Express Co.*, 279 U. S. 363. This decision affirmed the ruling of the District Court for the Western District of Pennsylvania which sustained a motion to quash an indictment charging the defendant with having made false entries in the record kept by a common carrier, in violation of section 20 (7) of the act.

The express company performed for the Pennsylvania Railroad Co. at Pittsburgh, under a contract between the two companies, the service of icing refrigerator cars containing perishables, which the carrier by means of its published tariffs had obligated itself to perform for shippers. The express company, in accordance with the terms of the contract, rendered to the carrier written reports of the quantity of ice placed by it in the bunkers of cars for the carrier. These reports were retained by the carrier and used as the basis for bills rendered by it to shippers for the icing of cars.

The indictment was based upon certain of the reports rendered by the express company to the carrier, which it was alleged by the Government were false in that they failed to state the true amounts of ice placed in the bunkers of specific cars. The grounds upon which the motion to quash the indictment was sustained by the lower court were (1) that sections 10 (1) and 20 (7) of the act relied on to support the indictment are intended only to apply to common carriers, their directors, officers, agents, and employees, or others acting for and in the interest of carriers or in collusion with them, and not to persons whose only relation to a carrier is that of an independent contractor acting adversely to the carrier's interest in fraud of it and without its knowledge or acquiescence; and (2) that the counts of the indictment only denounce the keeping of false or inaccurate official "records kept by the carrier" and do not include records not kept by the carrier like bills, memoranda, and other data furnished by an independent contractor, intentionally misleading the carrier or its agents in keeping its official records.

The Supreme Court, in upholding the decision of the lower court on both of these grounds, used the following language in considering the first point:

The railroad company having certain duties to perform in respect of the shipments attempts to perform them by contract with an outside person not an agent of the carrier, and is itself deceived and defrauded by the contractor and outsider in his failure to perform his contract, so that by the falsification the carrier is led into the making of the erroneous report. In such circumstances, is the outsider to be held guilty of criminality under the above statutory provisions? Congress of course could render these false statements by the defendant a crime, but has it done so in the absence of any collusion by the railroad company? It is a nice question, but the statute is a criminal one, and may lead to heavy penalties. A defendant under such circumstances is entitled to a reasonably strict construction of the language used to effect the particular purpose that Congress had in mind. We do not think that Congress was looking to protect an independent contractor against his servants or a common carrier against its independent contractor. A fraud as between them was a matter collateral to the intent and object of the legislation in holding the common carrier and all its agents to strict responsibility to the shipper and the Commission.

If the independent contractor colludes with the common carrier by the false data it furnishes, and the common carrier knowingly uses them, of course the contractor is nothing but an aider and abettor and so a principal in the keeping of the false official records, but otherwise not.

The result is therefore that while the independent contractor might well be penalized by a different statute for the fraud he has committed on the common carrier, we do not think that the present statutes bring him within the scope of the crime denounced, when the common carrier and its servants are innocent of offense.

and as to the second point said:

It is clear to us that the words "record or memoranda kept by a common carrier" contained in Section 20 mean the official record kept by the carrier and do not refer to bills or memoranda kept by the contractor as a basis on which the carrier keeps its records. The defendant's bills or memoranda are not in that sense a record at all under Section 20. They are not subject to the supervision of the Interstate Commerce Commission, and it would seem that if the data proved to be dishonest and incorrect, the punishment for that, unless with the complicity of the common carrier, must be found elsewhere than in the provisions of the present Interstate Commerce Act.

The effect of this decision seems to be that, unless sections 10 (1) and 20 (7) of the act are amended so as to make them apply specifically to independent contractors and their officers and agents, those sections can not be successfully invoked by the Government against such persons for the violations referred to therein, except in instances where collusion between those persons and the carrier can be shown. It may happen frequently that the conduct of independent contractors and their representatives, which leads to infractions of the



statute, is without the knowledge or acquiescence of the employing carrier. Our authority under section 11 of the Clayton Act, which was exercised in 1928 for the first time by serving upon several carriers complaints setting forth facts which indicated the acquisition and control of stock in violation of section 7 of that act, was invoked in several additional instances during the year. One of the proceedings thus instituted has been concluded, and another, while having been disposed of for the time being, is being retained on our docket for such further order or orders as may be deemed proper.

The proceeding relating to the acquisition by the Kansas City Southern Railway Co. of stock of the St. Louis Southwestern Railway Co. and the Missouri-Kansas-Texas Railroad Co. was discontinued on July 8, 1929, upon a showing that the first-named carrier had divested itself of such stock in a manner which met our approval. *Interstate Commerce Commission v. Kansas C. S. Ry. Co.*, 156 I. C. C. 359.

In the proceeding which grew out of the acquisitions of stock of the Wheeling & Lake Erie Railway Co. by the Baltimore & Ohio Railroad Co., the New York Central Railroad Co., and the New York, Chicago & St. Louis Railroad Co., we found on March 11, 1929, that such acquisitions were in violation of section 7 of the Clayton Act, and issued orders requiring the three carriers to divest themselves of their holdings in such manner as we might approve. *Interstate Commerce Commission v. Baltimore & O. R. Co.*, 152 I. C. C. 721. The title to this stock is at present vested in an individual trustee who, under the provisions of a trust agreement, is authorized and empowered to vote the stock for all purposes except for consolidation of the Wheeling & Lake Erie with any of the companies which are parties to this proceeding. On July 22, we approved this agreement as offering for the present a practical solution of the problem of satisfactory compliance with our orders of March 11. *Interstate Commerce Commission v. Baltimore & O. R. Co.*, 156 I. C. C. 607. The trust under which this stock is held is to be terminated (a) by our approval of an application by the New York, Chicago & St. Louis, now before us, for acquisition of all of the stock of the Wheeling & Lake Erie; (b) by our approval of an application of the Chesapeake & Ohio Railway Co., now before us, for authorization to acquire the Wheeling & Lake Erie, the New York, Chicago & St. Louis, and other lines; or (c) by sale of the stock subject to our approval. A further provision of the trust is that the stock must be sold within one year after we have acted upon the applications of the New York, Chicago & St. Louis and the Chesapeake & Ohio, in the event that those applications are denied.

Appeals from decisions of district courts were taken in two cases during the year. In one of these cases the District Court for the

District of Maryland refused to issue a writ of mandamus to require the Munson Steamship Line to file with us its rates for transportation which the Government contends is subject to the act. It is expected that the final decision in this matter will construe the provisions of section 1 (1) of the act in such manner as to answer definitely a question which has proven troublesome in the enforcement of the act, namely, what constitutes transportation of property partly by railroad and partly by water under a common arrangement for continuous carriage or shipment. The Government's position in this proceeding is that a common arrangement may exist in the absence of joint rates and through bills of lading, while the unreported opinion of the lower court seems to be that joint rates and through bills of lading are necessary ingredients of a common arrangement.

The other appeal was from an opinion of the District Court for the Southern District of New York in a suit against the Clyde Steamship Co. for recovery of the penalty named in section 20 (6) of the act for refusal of defendant to permit one of our special agents to examine its accounts and records. The principal point for decision in this matter is whether a carrier which has disputed our jurisdiction over the transportation in which it engages, and thus has forced the Government to institute mandamus proceedings to compel it to submit to our special agents for examination its accounts and records relating to such transportation, may escape the prescribed penalties during the pendency of the mandamus proceedings.

#### BUREAU OF LAW

On October 31, 1928, there were 27 cases involving our orders or requirements pending in the courts. During the year 16 cases have been instituted and 15 have been concluded, leaving 28 cases now pending in the different courts. Of these 6 are in the Supreme Court of the United States, 16 are in the district courts, 4 are in the Court of Appeals of the District of Columbia, and 2 are in the Supreme Court of the District of Columbia.

Six cases were submitted for decision to the Supreme Court of the United States and decided, and 9 were concluded in district courts of the United States. Summaries of all the foregoing cases are shown in Appendix B.

The cases decided by the Supreme Court were:

*United States, Interstate Commerce Commission, et al. v. Missouri Pacific Railroad Co., et al.*, 278 U. S. 269.

In this case the court had before it the validity of our order of March 2, 1926, establishing westbound through routes and joint rates from or via certain Mississippi River crossings through Little Rock,

Ark., thence south of the Arkansas River over the Chicago, Rock Island & Pacific Railroad, the Fort Smith, Subiaco & Rock Island, and the Paris branch of the Missouri Pacific to destinations on said Paris branch and to points beyond and west thereof. 107 I. C. C. 523.

In resisting the order the Missouri Pacific's principal defense was that it was short-hauled thereby in violation of paragraph (4) of section 15, which provides in effect that we may not require "any carrier by railroad" to join in through routes that do not embrace its long haul unless the inclusion of its long haul would render the route unreasonably long.

Our position was that the paragraph was intended to protect the long hauls only of originating carrier or carriers after obtaining possession of the traffic under the through route, and that it was not, therefore, applicable to protect the Missouri Pacific, which under the through routes established would have been either a delivering or an intermediate carrier demanding the long haul as against carriers which would be in earlier possession of the traffic. In support it was urged that any interpretation of the paragraph would have to be for universal application and that, as literally applied, there would be innumerable instances of overlapping lines where the conflicting long-haul interests of participating carriers would prevent the establishment of any through route.

The main ground upon which the court's decision is based is that the paragraph is clear in its terms, and therefore does not permit of resort to extraneous matter. Pertinent paragraphs embodying this holding read as follows:

\* \* \* The language of that provision is so clear and its meaning so plain that no difficulty attends its construction in this case. Adherence to its terms leads to nothing impossible or plainly unreasonable. We are therefore bound by the words employed and are not at liberty to conjure up conditions to raise doubts in order that resort may be had to construction. It is elementary that where no ambiguity exists there is no room for construction. Inconvenience or hardships, if any, that result from following the statute as written must be relieved by legislation. \* \* \*.

Appellants seek to support the view for which they contend by some of the legislative history of the enactment and especially by explanatory statements made by Senator Elkins in connection with the report of the majority of the Senate committee submitting the bill for the Act in question. Where doubts exist and construction is permissible, reports of the committees of Congress and statements by those in charge of the measure and other like extraneous matter may be taken into consideration to aid in the ascertainment of the true legislative intent. But where the language of an enactment is clear and construction according to the terms does not lead to absurd or impracticable consequences, the words employed are to be taken as the final expression of the meaning intended. And in such cases legislative history may not be used to support a construction that adds to or takes from the significance of the words employed.

\* \* \* (Id. 277-278.)

\* \* \* \* \*



And appellants assert that the Commission in a long line of decisions has held that the rule declared in paragraph (4) applies only to traffic in possession of the carriers, and they argue that this construction was impliedly sanctioned by the inclusion of the provision without alteration in the Transportation Act, 1920. But the rule that re-enactment of a statute after it has been construed by officers charged with its enforcement impliedly adopts the construction applies only when the construction is not plainly erroneous and to cases presenting the precise conditions passed on prior to the re-enactment. \* \* \*.

Appellants also claim that decisions by the Commission before and since the re-enactment established a settled interpretation which should be given controlling weight in support of the order in question. It has been held in many cases that a definitely settled administrative construction is entitled to the highest respect; and, if acted on for a number of years, such construction will not be disturbed except for cogent reasons. See e. g. *Logan v. Davis*, 233 U. S. 613, 627. But the court is not bound by a construction so established. *Chicago &c. Ry. Co. v. McCaull-Dinsmore Co.*, 263 U. S. 97, 99. *United States v. Dickson*, 15 Pet. 141, 161. The rule does not apply in cases where the construction is not doubtful. And if such interpretation has not been uniform, it is not entitled to such respect or weight, but will be taken into account only to the extent that it is supported by valid reasons. \* \* \*. (Id. 279-280.)

*Atchison, Topeka & Santa Fe Railway Company et al. v. United States, Interstate Commerce Commission et al.*, 279 U. S. 768.

In this case there was involved the validity of our order dated July 6, 1927, in I. & S. Docket 2813, *Grain & Grain Products from Colorado, Kansas and Nebraska to Gulf Ports for Export*, 129 I. C. C. 261. In the proceeding before us there were involved grain and grain products moving from origins in Colorado, Kansas, and Nebraska to Gulf ports for export through the primary markets of Kansas City and Wichita. The lines of the railroads, appellants in the court proceedings, extend not only from the country origins to Kansas City and Wichita, but are also available for the movement beyond those cities. But, in securing the outbound movements, after transit privileges, they met with competition from other railroads reaching Kansas City or Wichita from the South. The grain moved into those cities on the local rates, but appellants had low 1-factor through rates, whereby if the outbound shipments were given to their lines all that had to be paid for the remainder of the movement in each instance was the balance of the through rate, after deduction of the inbound locals. Their competitors, however, had varying proportional rates which gave to shippers the same advantages; that is, upon presentation of bills showing inbound shipments, they could reship outbound to the ports over said competitors' lines on rates equaling the low balances they would have to pay if they gave the outbound transportation to appellants. For the purpose of holding the outbound movements to their lines appellants filed proportional rates for the inbound movements higher than the local rates, and which were to apply when the reshipments were given

to their competitors rather than to their own lines. These rates were ordered canceled.

In the commission proceeding appellants made no attempt to justify the reasonableness per se of the proposed rates. Their position was that the rates were filed in the exercise of their right under paragraph (4) of section 15 to refuse to join in through routes when having longer hauls in other routes; that is, that they filed the higher rates to Kansas City applicable only when the outbound movements were given to their competitors, with a view to closing and withdrawing from those through routes and leaving open only the routes in which they had their long hauls, and they maintained that the establishment of such higher rates for their portions of those routes made in connection with their competitors was the only practicable method by which they could exercise their right under paragraph (4) to withdraw from the routes, and, therefore, if they were not permitted to exercise their right in this way, paragraph (4) would be rendered a nullity. In short their contention was that, since the only method by which they could close and withdraw from the through routes was by filing higher rates, and, since the rates were filed for that purpose, their inherent reasonableness was not in issue and the commission was accordingly precluded from canceling the tariff on such ground.

The court held that our authority to deal with the rates from the standpoint of whether or not they were reasonable rates was in no wise restricted by paragraph (4) of section 15. In this connection the opinion reads as follows:

In ordering cancellation of the proposed tariff the Commission exercised only its function of determining the reasonableness of rates. It made a rate order to which the matter of routing was merely an incident. The Santa Fe calls the proposed rate by which it undertook to add 4 cents to the Dodge City-Kansas City rate, if the grain should be re-shipped on the Southern, proportional. To call it proportional is misleading. But if it were truly a part of a through rate, the fact would be without legal significance. The Commission's power to declare rates unreasonable applies alike to all rates, be they joint, local or proportional. The Commission may, and in controversies involving through rates often does, deal with one factor only of the combination of rates which make up the through rate. And that factor may be a proportional rate.

The broad power to pass on the reasonableness of rates conferred upon the Commission in 1887 has not been in terms limited by any amendatory act. On the other hand, there has been much legislation designed to make the power more effective. The special power to establish through routes and joint rates was not conferred until 1906, Act of June 29, 1906, c. 3591, section 4, 34 Stat. 584. There is not in that Act as amended, see *United States v. American Express Co.*, 265 U. S. 425, 530, note 2, or in any decision of this Court construing it; or in any of the decisions of the Commission applying it,



to which attention has been called, the slightest basis for the suggestion that in conferring the restricted power to establish through routes, Congress intended to limit the theretofore unrestricted power of the Commission to pass upon the reasonableness of rates. Compare *Nashville, Chattanooga & St. Louis Ry. Co. v. Tennessee*, 262 U. S. 318, 323.

The court further held, in effect, that the right of a carrier under section 15 (4) to join only in through routes that embrace its long hauls gives it no right to recapture traffic accorded transit privileges. Pertinent portions of the opinion in this connection read as follows:

The contention that the Santa Fe's cancelled tariff was legally part of a through rate is also unsound. The argument rests upon a fiction—the fiction of a through rate with transit privilege. As applied here, the fiction is inconsistent with every fact of legal significance. When grain is shipped from a country point to a primary market its ultimate disposition is rarely known. Who the owner of the grain will be when it reaches the primary market is uncertain. It may be sold en route before arrival there. While stored there, it may be resold several times. Some of it may be consumed in local flour mills. Most of that stored in local elevators will probably be shipped out. But until the grain is shipped out it will not be known to what place or even in what direction or by what railroad it will be carried. \* \* \*.

\* \* \* \* \*

When the outbound shipment from Kansas City is made the grain goes forward on a new bill of lading at the balance of the through rate. Obviously, this practice cannot convert the independent shipment of grain from Kansas City to the Gulf via the Southern into a through movement from Dodge City to the Gulf. The two transportation services are not only entirely distinct, but they are often rendered in respect to wholly different merchandise. This convenient fiction is employed as a justification for the discrimination involved in giving rates lower than those ordinarily applicable to the service outbound.

\* \* \*

The grain, while in storage at Kansas City, is, in every sense, free grain. When delivered to elevators in Kansas City the Santa Fe's charges for the carriage to Kansas City were fully paid. Its legal interest therein ended then. If the consignee or his successor in title should at any time thereafter conclude to ship elsewhere grain which he had brought into Kansas City, he was at liberty to select not only the destination, but the carrier by which it should be transported. And every railroad serving Kansas City had like liberty to compete for the traffic. There is no rule of law or practice which gives to a carrier the right to recapture traffic which it originated. \* \* \*.

*State of Alabama et al. v. United States, Interstate Commerce Commission et al.*, 279 U. S. 229.

There was involved in this case the validity of our order of October 3, 1927, as amended by our order of December 22, 1927, establishing intrastate rates on fertilizers and fertilizer materials in Alabama, to remove what we found to be an unjust discrimination against, and undue prejudice to, persons and localities in interstate commerce. *Fertilizers and Fertilizer Materials between Southern Points*, 113 I. C. C. 389; 123 I. C. C. 193; 129 I. C. C. 215.

The District Court denied the interlocutory injunction prayed for by the State authorities and upheld our order. In affirming the decree the Supreme Court said:

The order of the Commission is within its general powers, *Houston & Texas Ry. v. United States*, 234 U. S. 342, 354-5; 358; *Wisconsin R. R. Comm. v. C., B. & Q. R. R. Co.*, 257 U. S. 563, 585, et seq.; and was made after a full inquiry. After a review of the record, the court below denied an application for a preliminary injunction. The case is still pending in the court below for final hearing, and the present appeal relates only to the interlocutory order.

Congress has manifested its solicitude that the power to grant writs of injunction against orders of the Interstate Commerce Commission shall be exercised with special care, by requiring the consideration of applications to be made by three judges and by giving an appeal directly to this Court both in the case of interlocutory orders and final decrees. \* \* \* But there is nothing in the legislation to suggest that in the exercise of the judicial power in respect of such writs pertinent principles of equity as theretofore understood, are to be disregarded or modified. It is well-established doctrine that an application for an interlocutory injunction is addressed to the sound discretion of the trial court; and that an order either granting or denying such an injunction will not be disturbed by an appellate court unless the discretion was improvidently exercised. \* \* \*

That the doctrine to be followed in reviewing such an order applies in the case of an order of a court of three judges denying an interlocutory injunction does not admit of doubt. \* \* \* The duty of this Court, therefore, upon an appeal from such an order, at least generally, is not to decide the merits but simply to determine whether the discretion of the court below has been abused. See *United States v. Balt. & Ohio R. R. Co.*, 225 U. S. 306, 325. An examination of the record here reveals no such abuse, and we must remand the case to the court below for final disposition on the merits. (Id. 230-1.)

The *United States of America et al., and Interstate Commerce Commission v. Anchor Coal Company et al.*, 279 U. S. 812.

There was involved in this case the validity of our order of February 21, 1928, made in I. & S. Docket 2967, *Lake Cargo Coal*, 139 I. C. C. 367, in which we required certain carriers to cancel tariffs naming reduced rates on coal from points in West Virginia and other Southern States to Lake Erie ports.

Coal destined to Lake Erie ports for transshipment by vessel to points beyond is known as "lake cargo coal." There has been active competition for the traffic as between, on the one hand, the mining districts in Pennsylvania and Ohio, commonly known as the northern districts, and, on the other hand, the mining districts in West Virginia, Kentucky and Tennessee, commonly known as the southern districts. Because the southern districts are more distant from the Lake ports the rates from those districts have been higher than the rates from the northern districts. The established differential for some years prior to 1927 had been 25 cents per 100 pounds. In *Lake Cargo Coal Rates*, 126 I. C. C. 309 (1927) we found the rates from the northern districts unreasonably high and ordered them re-

duced. The rates established in compliance with our order increased the differential between the northern districts and southern districts to 45 cents, and, following this decision, the carriers serving the southern districts filed with us tariffs proposing to reduce their existing rates in amounts corresponding to the reductions which we had ordered in rates from the northern districts, thereby restoring the preexisting differential of 25 cents between the northern and southern districts. Upon protests filed by shippers from the northern districts and others, the proposed rates were suspended and an investigation and suspension proceeding was instituted.

The issues raised were in part that the proposed reduced rates from the southern districts were unreasonable and preferential as compared with the rates for the shorter distances from the northern districts. Moreover, since restoration of the 25-cent differential was to be accomplished by substantial reductions in rates of the southern carriers which, based on usual standards, were already low, there was the further question as to whether the proposed rates would not be unreasonably low *per se*; that is, so low as to burden other traffic if the revenues of the carriers in the group were to be maintained at a level which would enable them properly to perform their duties to the public. The commission's findings were that the proposed rates were unreasonable and it ordered them canceled.

Suit was brought before a 3-judge court in the southern district of West Virginia, and said court on April 14, 1928, granted a permanent injunction setting aside the commission's order. (25 Fed. (2d) 462.)

Between the date of the decision of the lower court and the argument of the case on appeal to the Supreme Court the carriers filed tariffs providing for rates, which, although lower than rates then existing, were higher than the proposed rates that had been ordered canceled by the commission's order involved in the injunction proceeding. These rates were not suspended and they became the applicable tariff rates. On March 5, 1929, the Supreme Court held in a *per curiam* opinion that the case had become moot. The brief opinion is quoted:

*Per Curiam:* These appeals have been fully argued and considered, but in the present situation we find that they present moot issues, and that further proceedings upon the merits can neither be had here nor in the court of first instance. To dismiss the appeals would leave the injunction in force, at least apparently so, notwithstanding that the basis therefor has disappeared. Our action must, therefore, dispose of the cause, not merely of the appellate proceedings which brought it here. The practice now established by this court under similar conditions and circumstances is to reverse the decree below and remand the cause with directions to dismiss the bill. The order will be, therefore, that the decree is reversed, with directions to the District Court to dismiss the bill of complaint without costs, because the controversy involved



has become moot, and therefore is no longer a subject appropriate for judicial action. (Citing cases.)

*The St. Louis and O'Fallon Railway Company and Manufacturers' Railway Company v. United States of America and Interstate Commerce Commission*, 279 U. S. 461.

In this case the court had before it the question of the validity of our order of February 15, 1927, in Finance Dockets Nos. 3908 and 4026, *Excess Income of St. Louis and O'Fallon Ry. Co.*, 124 I. C. C. 3, requiring payment to us, under the provisions of section 15a of the interstate commerce act, by the St. Louis & O'Fallon, of excess net railway operating income.

The commission in its report determined the value for rate-making purposes of the O'Fallon's property for the recapture periods ending on the 31st day of December of the years 1920, 1921, 1922, and 1923, respectively. It then determined the net railway operating income of the company for the same periods and, using these factors, arrived at the amounts which in its order the commission demanded of the O'Fallon as one-half its excess net railway operating income under section 15a of the act.

In determining the value of the property of the O'Fallon for each of the recapture periods, the commission took as a base the value of the structural property, exclusive of land and working capital, as of June 30, 1919. Among the elements considered in fixing that value were estimates of the cost of reproduction new and less depreciation made by using the 1914 period unit prices. To this base value were added (1) an amount agreed to reflect the excess in actual cost over the estimated reproduction new costs of items of property put into use between June 30, 1914, and June 30, 1919; (2) the actual net costs of new property devoted to service after June 30, 1919; (3) the agreed "present values" of lands in the recapture periods; and (4) working capital determined for the recapture periods. The new property acquired by the carrier after June 30, 1914, was only a small percentage of the older property, and it was contended by the carrier that the effect of the enhanced prices of recent years had not been reflected sufficiently in the valuation of such older property.

In holding that our order was invalid because of the methods used in determining the value of the carrier's property, the Supreme Court said:

Paragraph 4, Section 15a, directs that in determining values of railway property for purposes of recapture the Commission "shall give due consideration to all the elements of value recognized by the law of the land for rate-making purposes, and shall give to the property investment account of the carriers only that consideration which under such law it is entitled to in establishing values for rate-making purposes." This is an express command; and the carrier has clear right to demand compliance therewith. *United States*

*ex rel. Kansas City Southern Railway Co. v. Interstate Commerce Commission*, 252 U. S. 178.

"The elements of value recognized by the law of the land for rate-making purposes" have been pointed out many times by this Court. *Smyth v. Ames*, 169 U. S. 466; *Wilcox v. Consolidated Gas Co.*, 212 U. S. 19; *Minnesota Rate Cases*, 230 U. S. 352; *Southwestern Bell Telephone Co. v. Public Service Commission*, 262 U. S. 276; *Bluefield Water Works & Improvement Co. v. Public Service Commission*, 262 U. S. 679; *McCardle v. Indianapolis Water Co.*, 272 U. S. 400. Among them is the present cost of construction or reproduction.

Thirty years ago, *Smyth v. Ames* announced (546):

"We hold, however, that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. And in order to ascertain that value, the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses, are all matters for consideration, and are to be given such weight as may be just and right in each case. We do not say that there may not be other matters to be regarded in estimating the value of the property. What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth."

In *Southwestern Bell Telephone Co. v. Public Service Commission*, (287) we said: "It is impossible to ascertain what will amount to a fair return upon properties devoted to public service without giving consideration to the cost of labor, supplies, etc., at the time the investigation is made. An honest and intelligent forecast of probable future values made upon a view of all the relevant circumstances, is essential. If the highly important element of present costs is wholly disregarded such a forecast becomes impossible. Estimates for tomorrow cannot ignore prices of today."

The doctrine above stated has been consistently adhered to by this Court.

The report of the Commission is long and argumentative. Much of it is devoted to general observations relative to the method and purpose of making valuations; many objections are urged to doctrine approved by us; and the superiority of another view is stoutly asserted. It carefully refrains from stating that any consideration whatever was given to present or reproduction costs in estimating the value of the carrier's property. Four dissenting Commissioners declare that reproduction costs were not considered; and the report itself confirms their view. Two of the majority avow a like understanding of the course pursued.

\* \* \* \* \*

In the exercise of its proper function this Court has declared the law of the land concerning valuations for rate-making purposes. The Commission disregarded the approved rule and has thereby failed to discharge the definite duty imposed by Congress. Unfortunately, proper heed was denied the timely admonition of the minority—"The function of this commission is not to act as an arbiter in economics, but as an agency of Congress, to apply the law of the land to facts developed of record in matters committed by Congress to our jurisdiction."

The question on which the Commission divided is this: When seeking to ascertain the value of railroad property for recapture purposes, must it give consideration to current, or reproduction, costs? The weight to be accorded thereto is not the matter before us. No doubt there are some, perhaps many, railroads the ultimate value of which should be placed far below the sum necessary for reproduction. But Congress has directed that values shall be fixed upon a consideration of present costs along with all other pertinent facts; and this mandate must be obeyed.

It was deemed unnecessary by the Court below to determine whether the Commission obeyed the statutory direction touching valuations since the order permitted The O'Fallon to retain an income great enough to negative any suggestion of actual confiscation. With this we cannot agree. Whether the Commission acted as directed by Congress was the fundamental question presented. If it did not, the action taken, being beyond the authority granted, was invalid. The only power to make any recapture order arose from the statute.

*Bartlesville Zinc Company v. Interstate Commerce Commission*, 279 U. S. 856.

In this case the Supreme Court denied a writ of certiorari under circumstances which may be described briefly as follows:

The Bartlesville Zinc Co. instituted a mandamus proceeding in the Supreme Court of the District of Columbia to compel us to vacate our order of October 23, 1922, affirmed December 5, 1927 (74 I. C. C. 26; 136 I. C. C. 57), dismissing its complaint asking for reparation on account of demurrage charges claimed to have been illegally assessed, and to take action to ascertain the amount of reparation due it and enter such order as justice may require. The Zinc Co. claimed that the commission's decision had been based on an interpretation of law contrary to a construction later given to the same issue by the United States Supreme Court and applied by the commission in a subsequent decision. The trial court denied the application for writ of mandamus and dismissed the petition of the Zinc Co. In affirming the action thus taken, the Court of Appeals of the District, among other things, said:

\* \* \* it is conceded that the Commission took jurisdiction of the company's complaint and after hearing testimony and argument concerning the issue, considered it and decided it upon the merits. The Commission accordingly fully exercised its jurisdiction, and its decision, whether correct or not, was regularly entered. It was, therefore, not erroneous for the lower court to refuse a writ of mandamus as sought by the company, for the writ, if granted, could have had no other effect than to review the decision which the Commission had reached upon its consideration of the facts and the law in controversy.

Other cases in which our orders were involved were:

*Central New England Railway Company v. Boston & Albany Railroad Company*, 279 U. S. 415, in which the Supreme Court in its



opinion discussed the purposes of section 1, paragraphs (18)–(20) of the act. Pertinent facts follow:

The Central New England had a branch line running a distance of 1.87 miles from Feeding Hills to Agawam Junction, Mass., connecting at the latter point with the line of the Boston & Albany. In order to secure an entrance into Springfield the carriers, in 1899, entered into a contract which was to run until 1940, providing that the Central New England should have the right to operate a limited number of trains daily over the Boston & Albany's line from Agawam Junction to Springfield, at an agreed sum of \$15,000 annually. In 1921 the Central New England, purporting to act under a certificate of public convenience and necessity issued by us (70 I. C. C. 441), abandoned the branch line running from Feeding Hills to Agawam Junction, notified the Boston & Albany that it would no longer meet its obligations under the contract, and severed the connection between the lines. From a judgment of the State court awarding the annual payments due under the contract, appeal to the Supreme Court was taken.

The Supreme Court, referring to the contention made by the Central New England that our certificate under section 1, paragraphs (18)–(20), of the act authorizing abandonment of the branch line relieved it from making further annual payments under its contract because such payments would reduce its revenues and burden its other commerce, said that it was not necessary to pass upon the question as to whether the provisions of the act in respect of abandonment of lines conferred authority upon us to relieve a carrier of its contracts. The court's reasons for considering that such issue was not involved appear in the following portions of its opinion:

\* \* \* It suffices, for present purposes, that the certificate and the accompanying report of the Commission did not purport to exercise such a power. The former certified only that present and future public convenience and necessity permitted the abandonment of the designated section of petitioner's branch line and that petitioner was authorized to abandon it. No reference was made in it to the present or any other contractual obligation of petitioner, and respondent, whose rights were vitally affected by the order, if petitioner's contention is to be supported, was not notified of the proceeding before the Commission nor a party to it.

\* \* \* \* \*

The omission from the certificate of any reference to the contract thus brought to the attention of the Commission, plainly evidences an absence of intention to deal with it. Even if the broad purposes ascribed to the Act be assumed, it is not to be supposed that the Commission intended to do more than was stated in its order or to deprive respondent of income to which it was entitled under its contract for the purpose of lightening the financial burden of peti-

tioner, both of whom were interstate carriers, without giving respondent an opportunity to be heard and without dealing with the question specifically.

In answer to the contention that the permission to abandon necessarily operated to cancel the obligation, regardless of our intention, the court said:

\* \* \* there could be no justification for holding that the order would also operate *sub silentio* to release a carrier from a contract merely because it had ceased to be of value through compliance with the order. This is especially the case where the other party to the contract is another common carrier with whose financial condition the Commission is equally concerned.

*United States v. New York Central R. R. Co. et al.*, 279 U. S. 73.

In this case the court had before it the question of the validity of our orders of December 13, 1923, and January 22, 1925, in *Railway Mail Pay*, 85 I. C. C. 157; 95 I. C. C. 493, involving adjustments of compensation made by us to the carriers for transporting the mails. In overruling the Government's contention that we had been given no authority to change the compensation the railroads were to receive for any time prior to the going into effect of the order, the court said:

We assume that while the railroads perform these services [for carrying the mails] and accept pay without protest they get no ground for subsequent complaint. \* \* \* But the filing of an application expresses a present dissatisfaction and a demand for more. A further protest would be a superfluous formality. If the claim of the railroads is just they should be paid from the moment when the application is filed. \* \* \* In fact the necessary investigation takes a long time, in these cases, years, but reasonable compensation for the years thus occupied is a constitutional right of the companies no less than it is for the future. \* \* \* This being so, and the Interstate Commerce Commission being the tribunal to which the railroads are referred it is a natural incident of the jurisdiction that it should be free to treat its decision as made at once. Obviously Congress intended the Commission to settle the whole business, not to leave a straggling residuum to look out for itself, with possible danger to the validity of the Act. No reason can have existed for leaving the additional annoyance and expense of a suit for compensation during the time of the proceedings before the Commission, when the Commission has had that very question before it and has answered it at least from the date of its orders. We are quite aware that minutiae of expression may be found that show Congress to have been thinking of the future. We put our decision not on any specific phrase but on the reasonable implication of an authority to change the rates of pay which existed from the day when the application was filed, the manifest intent to refer all the rights of the railroads to the Interstate Commerce Commission, and the fact that unless the Commission has the power assumed a part of the railroad's constitutional rights will be left in the air.

Other decisions of interest in connection with our work were:

*Lehigh Valley Railroad Co. v. Board of Public Utility Commissioners et al.*, 278 U. S. 24.



In this case there was involved the validity of an order of the New Jersey Commission requiring the carrier to eliminate two railroad grade crossings and to substitute for both of them one overhead crossing, to cost the railroad \$324,000. In support of its position that the order was invalid, the carrier asserted that compliance with the order would involve expenditures so unreasonable as to be confiscatory and be a direct interference with interstate commerce and impose a direct burden thereon in violation of the interstate commerce act, as amended by the transportation act, 1920. Pertinent portions of the court's opinion dealing with these contentions read as follows:

\* \* \* The large expenditure to secure such advantages does not seem to be arbitrary or wasteful when made for two busy highways instead of one.

It is not for the Court to cut down such expenditures merely because more economical ways suggest themselves. The board has the discretion to fix the cost. The function of the Court is to determine whether the outlay involved in the order of the Board is extravagant in the light of all the circumstances, in view of the importance of the crossing, of the danger to be avoided, of the probable permanence of the improvement and of the prospect of enlarged capacity to be required in the near future and other considerations similarly relevant.

\* \* \* A railroad company in maintaining a path of travel and transportation across a State, with frequent trains of rapidity and great momentum, must resort to reasonable precaution to avoid danger to the public. \* \* \* If the danger is clear, reasonable care must be taken to eliminate it and the police power may be exerted to that end. But it becomes the duty of the Court, where the cost is questioned, to determine whether it is within reasonable limits.

This follows from principles clearly established by this Court. \* \* \* We emphasize this not because there is doubt about it, but because we deprecate the impression, apparently entertained by some, that in the safe-guarding of railroad crossings by order of state or local authority the exercise of police power escapes the ordinary constitutional limitation of reasonableness of cost. This is apt to give to local boards a sense of freedom which tempts to arbitrariness and extravagance. The case before us is one which is near the line of reasonableness, but for the reasons given we think it does not go beyond the line.

\* \* \* It is not necessary for us to controvert the proposition that unreasonably extravagant grade crossings are to be enjoined not only as violations of the Fourteenth Amendment but also as forbidden by the Transportation Act.

But we can not see that the rule invoked from either will be violated by the order now made. The care of grade crossings is peculiarly within the police power of the States, *Commission v. Pacific Co.*, 264 U. S. 331, 341, and if it is seriously contended that the cost of this grade crossing is such as to interfere with or impair economical management of the railroad, this should be made clear. It was certainly not intended by the Transportation Act to

take from the States or to thrust upon the Interstate Commerce Commission investigation into parochial matters like this, unless by reason of their effect on economical management and service, their general bearing is clear. *Railroad Commission v. Southern Pacific Company*, 264 U. S. 331. The latter case makes a distinction between the local character of the usual elimination of grade crossings and the vital character from the standpoint of finance of the investment of large sums in the erection of a Union Station.

*Snyder v. New York, Chicago & St. Louis R. R. Co.*, 278 U. S. 578.

This case was an appeal from a decision of the Supreme Court of Ohio, holding that the consolidation, pursuant to the laws of Ohio and several other States, of five constituent companies into a new single company was not violative of the consolidation provisions of the interstate commerce act, because Congress had not occupied the field of railway consolidations to such extent that the States could not, prior to the adoption by us of a complete plan of consolidation, consolidate two or more properties into a single complete ownership. The following quotation, taken from page 619 of 160 N. E., where the decision of the State court is reported, is of particular interest:

\* \* \* Paragraph 2 of section 5 of title 49, U. S. Code, gives authority to the commission to approve and authorize acquisitions for control, "not involving the consolidation" of carriers into a single system for ownership and operation. While this language, standing alone, might well be construed as impliedly prohibiting carriers from entering into any consolidation agreement, yet, when taken in connection with other paragraphs of that section, it must be construed as only prohibiting the commission from giving its approval to any consolidation prior to the adoption of a complete plan, but not as prohibiting the voluntary consolidation between carriers under state laws. Pending the adoption of the complete plan, voluntary consolidations not violative of state or federal anti-trust laws are not expressly prohibited. \* \* \*

In its per curiam decision the Supreme Court affirmed the decision of the State court on the ground that section 5 of the interstate commerce act, as amended by transportation act, 1920, "has not as yet been made applicable to cases like this."

#### BUREAU OF LOCOMOTIVE INSPECTION

The work of this bureau is shown in detail in the report of the chief inspector, published separately. Except as otherwise stated the report here made is for the fiscal year ended June 30, 1929.

The following tables covering the fiscal years indicated are self-explanatory:

TABLE I.—*Reports and inspections, steam locomotives*

	Year ended June 30—					
	1929	1928	1927	1926	1925	1924
Number of locomotives for which reports were filed.....	63,562	65,940	67,835	69,173	70,361	70,683
Number inspected.....	96,465	100,415	97,227	90,475	72,279	67,507
Number found defective.....	20,185	24,051	29,995	36,354	32,989	36,098
Percentage inspected found defective.....	21	24	31	40	46	53
Number ordered out of service.....	1,490	1,725	2,539	3,281	3,637	5,764
Total number of defects found.....	53,998	85,530	112,008	136,973	129,239	146,121

TABLE II.—*Accidents and casualties caused by failure of some part of the steam locomotive, including boiler, or tender*

	Year ended June 30—					
	1929	1928	1927	1926	1925	1924
Number of accidents.....	356	419	488	574	690	1,005
Per cent increase or decrease from previous year.....	15	14.1	14.9	16.8	31.3	25.5
Number of persons killed.....	19	30	28	22	20	66
Per cent increase or decrease from previous year.....	36.6	7.1	27.3	10	69.7	8.3
Number of persons injured.....	390	463	517	660	764	1,157
Per cent increase or decrease from previous year.....	15.8	10.4	21.6	13.6	33.9	25

<sup>1</sup> Increase.TABLE III.—*Accidents and casualties caused by failure of some part or appurtenance of the steam-locomotive boiler*<sup>1</sup>

	Year ended June 30—					
	1929	1928	1927	1926	1925	1924
Number of accidents.....	119	150	185	247	274	393
Number of persons killed.....	14	26	20	18	13	54
Number of persons injured.....	133	174	205	287	315	447

<sup>1</sup> The original act applied only to the locomotive boiler.TABLE IV.—*Derailments and casualties caused by defects in or failure of some part of the steam locomotive or tender*

	Year ended June 30—				
	1929	1928	1927	1926	1925
Number of derailments <sup>1</sup> .....	9	14	15	23	22
Number of persons killed.....	1	1	1	2	—
Number of persons injured.....	25	27	23	49	52

<sup>1</sup> Only derailments reported by carriers as being caused by defect in or failure of parts of the locomotive or tender were investigated or counted.



TABLE V.—*Number of casualties, classified according to occupation, steam locomotive accidents*

	Year ended June 30—									
	1929		1928		1927		1926		1925	
	Killed	In-jured	Killed	In-jured	Killed	In-jured	Killed	In-jured	Killed	In-jured
Members of train crews:										
Engineers.....	7	128	8	151	8	181	5	210	8	230
Firemen.....	7	128	11	161	9	179	6	230	6	300
Brakemen.....	1	45	4	54	4	51	3	77	2	84
Conductors.....		24		16		25	2	28		25
Switchmen.....	1	11		15	1	13		19		23
Roundhouse and shop employees:										
Boilermakers.....		5	3	5		11		5		6
Machinists.....		2	2	4	1	5		5		13
Foremen.....		1		1		1		3		
Inspectors.....		1		1						2
Watchmen.....		3	1	2	2	4	1	5	1	3
Boiler washers.....		1			1	2		2		5
Hostlers.....		5		10	1	7		9		16
Other roundhouse and shop employees.....	1	3		8		10	1	15		10
Other employees.....	2	10		12	1	9	3	10	1	13
Nonemployees.....		23	1	23		19	1	42	2	34
Total.....	19	390	30	463	28	517	22	660	20	764

TABLE VI.—*Reports and inspections, locomotives other than steam*

	Year ended June 30—		
	1929	1928	1927
Number of locomotive units for which reports were filed.....	1,071	1,034	951
Number inspected.....	1,099	1,119	604
Number found defective.....	131	169	174
Percentage inspected found defective.....	12	15	29
Number ordered out of service.....	4	9	9
Total number of defects found.....	329	411	423

TABLE VII.—*Accidents and casualties caused by failure of some part or appurtenance of locomotives other than steam*

	Year ended June 30—		
	1929	1928	1927
Number of accidents.....	1	4	5
Number of persons killed.....		1	
Number of persons injured.....	1	3	5



**TABLE VIII.**—*Number of casualties classified according to occupation, locomotives other than steam*

	Year ended June 30—					
	1929		1928		1927	
	Killed	Injured	Killed	Injured	Killed	Injured
Members of train crews:						
Engineers.....				2		1
Firemen.....		1				2
Roundhouse and shop employees:						
Inspectors.....						1
Other roundhouse and shop employees.....			1	1		1
Total.....		1	1	3		5

All accidents reported to the bureau as required by the law and rules were carefully investigated and appropriate action taken to prevent recurrences as far as possible. Copies of accident investigation reports were furnished to parties interested when requested, and otherwise used in our effort to bring about a diminution in the number of such accidents.

The amendment of June 7, 1924, which authorized the employment of 15 additional inspectors with subsequent increased appropriations, has enabled the bureau to function more effectively and to keep in closer touch with the general condition of locomotives. The effect of this is illustrated in the reduction of the number of accidents resulting in casualties to persons.

For instance, in 1923 we inspected 63,657 steam locomotives of which 65 per cent were found with reportable defects.

In 1929 we inspected 96,465 steam locomotives and 1,099 locomotive units other than steam. Twenty-one per cent of the steam locomotives and 12 per cent of the locomotive units other than steam were found with reportable defects.

The number of locomotives ordered withheld from service also shows a marked and gradual decline. For instance, in 1923 there were 7,075 steam locomotives ordered withheld from service because of being in violation of the requirements, until they were put into serviceable condition as required by section 6 of the law. In 1929 there were 1,490 steam locomotives and 4 locomotive units other than steam ordered withheld from service.

In 1923 there were 1,348 accidents caused by the failure of some part or appurtenance of steam locomotives which resulted in the death of 72 persons and the serious injury of 1,560 others. In 1929 there were 356 such accidents which resulted in the death of 19 persons and the serious injury of 390 others.

These improvements have, without doubt, been made possible by the increase in the force of inspectors, the increased appropriation of funds, and by the earnest and helpful cooperation of railroad officials and employees, a large majority of whom are each year putting forth greater efforts to meet the requirements of the law.

Two important additions have been made during the year to the rules and instructions for the inspection of locomotives and tenders.

By our order No. 19299, dated May 7, 1928, rule No. 116 was amended so as to require the installation of suitable cab curtains and storm windows and the closing of unnecessary openings in the cab during the winter months. The purpose of these requirements is to afford protection to employees operating locomotives from inclement weather in order that their duties may be performed under the safest practicable conditions.

Order No. 20746, effective April 1, 1929, on new locomotives and thereafter as locomotives are shopped requires the installation of mechanically operated fire doors for the protection of employees in case of burst arch tubes or flue or other failures which may occur within locomotive fire boxes.

Two hundred and forty-three applications were filed for extensions of time for removal of flues, as provided in rule 10. Our investigations disclosed that in 13 of these cases the condition of the locomotives was such that extensions could not properly be granted. Twenty were in such condition that the full extensions requested could not be authorized, but extensions for shorter periods of time were allowed. Thirty-nine extensions were granted after defects disclosed by our investigations had been repaired. Twelve applications were canceled for various reasons. One hundred and fifty-nine applications were granted for the full periods requested.

Under rule 54 of the rules and instructions for inspection and testing of steam locomotives, 913 specification cards and 8,011 alteration reports were filed, checked, and analyzed. These reports are necessary in order to determine whether or not the boilers represented were so constructed or repaired as to render safe and proper service and whether the stresses were within the allowed limits. Corrective measures were taken with respect to numerous discrepancies found.

Under rules 328 and 329 of the rules and instructions for inspection and testing of locomotives other than steam, 134 specifications and 112 alteration reports were filed for locomotive units and 74 specifications and 11 alteration reports were filed for boilers mounted on locomotives other than steam. These were checked and analyzed and corrective measures taken with respect to discrepancies found.

Four suits for penalties, involving 32 counts for alleged violations of the locomotive inspection law and rules, were pending in the various district courts at the beginning of the year. Information of

violations was lodged with the proper United States attorneys in 14 cases, involving 264 counts. Judgments in favor of the Government were obtained in 7 cases, involving 55 counts, 4 counts were dismissed by stipulation or agreement, and penalties imposed on 51 counts in the sum of \$5,100. There were no adverse decisions of courts. Eleven cases, involving 241 counts, were pending in the district courts at the end of the year.

No formal appeal by any carrier was taken from the decisions of any inspector during the year.

### BUREAU OF SAFETY

A more detailed report of the work of the Bureau of Safety is published as a separate document.

Except as otherwise specified, the report here made is for the year ended June 30, 1929.

#### *Accident Statistics*

The casualties on steam railroads in connection with the operation of trains during the calendar year 1928 are summarized as follows:

Class of persons	Number of persons killed	Number of persons injured
Trespassers.....	2, 336	2, 362
Employees.....	1, 038	23, 779
Passengers.....	83	3, 459
Persons carried under contract, such as mail clerks, Pullman conductors, etc.....	23	483
Other nontrespassers.....	2, 664	7, 304
Total.....	6, 144	37, 387

The corresponding totals for the calendar year 1927 were 6,382 persons killed and 42,603 persons injured.

In addition there were 365 persons killed and 48,174 injured in nontrain accidents in comparison with 439 killed and 62,196 injured in such accidents during the preceding calendar year.

There were 37 employees killed and 1,135 injured in coupling or uncoupling locomotives and cars as compared with 48 killed and 1,325 injured during 1927. Casualties to employees due to coming in contact with fixed structures resulted in 37 killed and 493 injured. There were 41 employees killed and 4,905 injured in getting on or off cars and locomotives.

### SAFETY APPLIANCES

During the year ended June 30, 1929, 137 cases of violation of safety appliance laws, comprising 300 counts, were transmitted to the United States attorneys for prosecution; cases comprising 349



counts were confessed, 45 dismissed, and 53 counts were tried, resulting in judgment for the Government on 36 and adversely to the Government on 9, while 4 of the cases were tried, comprising 8 counts, and are awaiting decision by the district courts. One count decided in favor of the Government was appealed by the carrier and is awaiting decision by the Circuit Court of Appeals, while one count decided in favor of the carrier was appealed by the Government and reversed. The 5 counts referred to in our last report as having been appealed by the carrier were affirmed. On June 30, 1929, there were pending in the various district courts 156 cases containing 366 counts.

In *United States v. Spokane International Ry. Co.*, the defendant received cars with defective safety appliances from a connecting carrier. The District Court for the District of Idaho held that no duty rests on carrier to accept from connecting carrier cars with defective safety appliances; that defendant accepted and hauled the defective cars at its peril; that it is immaterial whether defective condition of cars is due to negligence of carrier, the requirements of the safety appliance acts being absolute, and where two railroads violated safety appliance acts in hauling same defective cars, penalty imposed against one would not bar action against other. 30 F. (2) 150.

In *United States v. Northern Pacific Ry. Co.*, transfer trains of from 10 to 17 cars were hauled approximately a mile and a half, mostly along the water front of Seattle, generally without picking up or setting out cars, although in two instances cars were picked up or set out, and all movements were made at speeds not in excess of 6 miles an hour, crossing several busy streets and railroad tracks. The District Court for the Western District of Washington held that these were train movements and the air brake provisions of the safety appliance acts applied.

In *St. Louis Southwestern Ry. Co. of Texas v. United States* the carrier hauled cars with defective safety appliances from a point where repairs to cars are not ordinarily made to a regular repair point, a distance of 60 miles, where repairs were promptly made upon discovery by the carrier. The case was tried in the District Court for the Eastern District of Texas and resulted in judgment for the Government and the carrier appealed. The Circuit Court of Appeals for the Fifth Circuit in affirming the judgment held that the carrier was under the absolute duty to discover defects and make repairs and could not be excused by showing the exercise of reasonable care to make discovery. 29 F. (2) 568.

In *United States v. Southern Pacific Co.*, involving a violation of the safety appliance acts, tried before the District Court for the Southern District of California, judgment was rendered in favor of the Government, and the court ordered that the judgment for the statutory penalty be suspended and directed the clerk, upon payment of the costs by defendant, to show the judgment satisfied. The Circuit Court of Appeals for the Ninth Circuit in reversing the lower court held that that court was without authority to suspend payment of the statutory penalty.

Approximately 1,487,000 cars and locomotives were inspected; the number of safety appliance defects per 1,000 cars and locomotives inspected was 28.71. The corresponding figures for the preceding year were approximately 1,536,000 inspected and 30.39 defects per 1,000 inspected. The condition of safety appliance equipment has been steadily improving for several years, and the record of inspections for the past year reflects the best condition which has existed since this inspection work was begun.

In previous annual reports references have been made to tests of power-brake devices. The laboratory tests of these devices which were begun at Purdue University on November 30, 1925, were completed on January 24, 1929. As a result of these laboratory tests three types of power-brake equipment have been selected for road tests under service conditions and tests are now being made in northern California and southern Oregon on the Southern Pacific line between Portland and San Francisco. These tests are being observed by representatives of our Bureau of Safety.

Representatives of the organizations of train-service employees have filed two petitions in respect to safety matters. One of these relates to automatic train pipe connectors; in this proceeding arrangements have been made whereby the American Railway Association, with the cooperation of the petitioners and our Bureau of Safety, will conduct tests both in the laboratory and under service conditions of such automatic train-pipe connectors as are considered to possess merit warranting such trials. The purposes of these tests are to develop specifications and to determine whether available devices conform to operating requirements. The other petition requests the commission to hold a public hearing to determine whether the order of March 13, 1911, prescribing safety appliance standards, shall be modified to permit the use of metal running boards on box and other house cars. A hearing has been held and the matter is now before us for consideration and decision.

## HOURS OF SERVICE

Hours-of-service reports were filed by 1,048 railroads, of which 731 reported no instances of service of their employees in excess of the limits prescribed by law. The remaining 317 railroads reported a total of 22,941 instances of excess service, as compared with 20,741 instances of excess service reported by 322 railroads for the preceding year, a decrease of 5 railroads reporting excess service and an increase of 2,200 in the total number of instances of excess service reported. This increase was caused by operators remaining on duty longer than the limitations prescribed by law, due principally to bad-weather and high-water conditions in various parts of the country.

There were 15 cases of violation of the hours of service law, comprising 40 counts, transmitted to United States attorneys for prosecution; cases comprising 84 counts were confessed, 11 dismissed, and 21 tried, resulting in judgment for the Government as to 4 counts and for the defendants on 17 counts. On June 30, 1929, there were pending in the various district courts 16 cases containing 46 counts.

In *United States v. Atlanta Terminal Co.*, the District Court for the Northern District of Georgia held that the term "any 24-hour period," as used in the telegraphers' provision of the hours of service act, means any 24 consecutive hours during which an operator is on duty more than 9 hours, and does not necessarily begin only when he regularly and habitually goes to work; that keeping an operator on duty 16 hours in the aggregate in a 24-hour period was not justified by reason of the sudden illness of another employee where it appeared that the former's services could be reduced to 12 hours by continuing the preceding operator on duty 4 additional hours. It was also held that where telegraphers are required to remain on duty more than 9 hours in a continuously operated office with instructions not to handle any train orders during the period of excess service, it is immaterial whether they actually handled such orders. The act does not make the actual handling of orders necessary for its violation. 30 F. (2) 109.

## SIGNALS AND TRAIN CONTROL

All installations of automatic train-control devices required by our orders of June 13, 1922, and January 14, 1924, have been completed, and in accordance with further provision of the orders that each of the installations made pursuant thereto shall, when completed, be subject to inspection by and approval of the commission



or any division thereof to which the matter may be referred, inspections and tests have been made by our engineers of all completed installations, 77 of which have been tentatively approved with exceptions and recommendations in respect to certain features which required further consideration, and seven of these installations have received final approval, the carriers having taken measures to meet certain requirements and to correct certain conditions pointed out as a result of the initial inspections. Three installations on which reports have not been issued may require reinspection before tentative approval can be given.

Under our orders a total of 8,387.7 miles of road, 15,187.2 miles of track and 7,929 locomotives have been equipped with automatic train-stop or train-control devices. In addition, a number of carriers have voluntarily equipped beyond the requirements of our orders 3,065.7 miles of road, 5,052.1 miles of track and 975 locomotives, the installations now in service comprising a total of 11,453.4 miles of road, 20,239.3 miles of track, and 8,904 locomotives. During the year there was an increase of 240.1 miles of road, 535.8 miles of track and 408 locomotives equipped with automatic train-stop or train-control devices. Information regarding these installations is shown in greater detail in the report of our Bureau of Safety which is published separately.

As a result of an investigation and hearings held on our own motion during February and April, 1928, in the matter of automatic train-control devices, we issued a report under date of November 26, 1928, stating that we had concluded not to require by order at that time further installation of train-stop or train-control devices; the carriers, however, were expected to be diligent in their efforts to provide adequate protection against accidents due to grade crossings, derailments, collisions in territory not protected by block signals, failure of wooden bridges and trestles, and the use of wooden passenger-train cars, which have been repeatedly mentioned in our recommendations to the Congress. We also expressly stated that this action in no way relieved the carriers from the responsibility which rests on them to provide additional protection where needed in territory now equipped with block signals.

Information concerning improvements and expenditures in the general field of safety by Class I railroads has been obtained for the calendar year 1928. These reports are summarized in the following tabulation:

*Installations for the improvement of safety and protection on the railways in the United States, year ended December 31, 1928*

CLASS I STEAM ROADS OF THE UNITED STATES

Item	Units <sup>1</sup>				Gross expenditures <sup>2</sup>
	Item	New installations	Improvements to old	Total	
1. Automatic train-control and cab-signal devices:					
a. Roadway.....	Miles of track.....	1, 649. 25	1, 197. 16	2, 846. 41	\$1, 439, 251. 88
b. Locomotives equipped.....	Number.....	692	308	1, 000	1, 581, 401. 76
2. Block signals:					
a. Automatic.....	Miles.....	3, 304. 93	2, 163. 41	5, 468. 34	9, 913, 483. 17
b. Manual, controlled manual and staff.....	do.....	694. 70	18. 10	712. 80	177, 312. 39
c. Protection for operation on reverse main.....	do.....	193. 10	4. 25	197. 35	437, 306. 68
3. Interlocking plants:					
a. Manual and power.....	Number.....	79	325	404	5, 101, 527. 15
b. Automatic.....	do.....	35	20	55	399, 483. 61
4. Protection or elimination of highway grade crossings:					
a. Separation of grades.....	do.....	430	106	536	26, 294, 151. 88
b. Abandonment or removal.....	do.....	407	54	461	716, 477. 26
c. Automatic warning devices, gates, signals, and signs.....	Crossings protected.....	1, 652	1, 024	2, 676	2, 437, 707. 97
d. Other improvements at crossings.....					1, 361, 079. 18
5. Elimination of railway crossings (railway with railway):					
a. Separation of grade.....	Number.....	11		11	754, 654. 78
b. Other removals.....	do.....	36	1	37	25, 697. 80
6. Remote power switches.....	do.....	100	1	101	552, 133. 28
7. Spring switches.....	do.....	112	3	115	61, 980. 38
8. Derails, other than in interlocking plants.....	do.....	1, 495	195	1, 690	106, 143. 89
9. Central control dispatchers' systems.....	Number installed.....	4		4	153, 176. 28
	Miles of road.....	37. 70		37. 70	
10. Additional main track (excluding cost of heavier rail and passing track).....	Miles.....	327. 91	1. 02	328. 93	17, 306, 808. 53
11. Passing tracks:					
a. Additional.....	Number of tracks installed.....	124		124	2, 280, 319. 02
	Total feet.....	488, 590		488, 590	
b. Extending length.....	Number of tracks extended.....	407	208	615	4, 181, 577. 00
	Total feet.....	671, 054	368, 245	1, 039, 299	
12. Improvements in switching yards:					
a. Switch leads independent of main track.....	Feet.....	502, 650	289, 126	791, 776	3, 605, 621. 92
b. Hump yard car retarders.....	Number of retarders.....	118	6	124	1, 011, 366. 65
13. Reduction of grades or curvature (other than at highway crossings).....	Number of projects.....	42	39	81	14, 872, 969. 53
	Miles of road.....	49. 29	101. 35	150. 64	
14. Replacing of wooden bridges and trestles with permanent concrete or steel structures.....	Number.....	1, 171	1, 566	2, 737	10, 764, 955. 72
	Feet.....	97, 310	150, 519	247, 829	
15. Heavier rail.....	Tons.....	644, 956	862, 897	1, 507, 853	56, 990, 037. 32
16. Steel passenger-train cars.....	Number.....	1, 374	1, 588	2, 962	32, 377, 329. 23
Total.....					194, 903, 954. 26

<sup>1</sup> Installations which were completed and put into service during the year 1928.

<sup>2</sup> Gross expenditures made on the classes of installations or projects indicated, whether completed or not during the year.

Additional items chargeable to operating expenses were reported as follows:

Crossings and signs.....	\$13, 069, 234
Signals and interlockers.....	32, 249, 359
Signal and interlocker operation.....	25, 931, 924
Crossing protection.....	20, 620, 049
Expenses of safety organizations.....	1, 337, 820
Total.....	93, 208, 386

The foregoing figures indicate the extent and nature of projects of this character which were in progress prior to and at the time of issuance of our report of November 26, 1928, referred to above. Some of the items in this statement, such as additional main track, passing tracks, improvements in switching yards, reduction of grades and curvature and heavier rail, can scarcely be regarded primarily as safety matters, although along with improved operating conditions which are brought about by these expenditures it follows that there is an increase in safety. Partial information has been secured concerning installations of safety devices of some of the classes listed in the table which were undertaken or in progress during the first nine months of the calendar year 1929; these reports are briefly summarized as follows:

Additions to automatic train control installations:

B. & A.: 9.25 miles double track, Brookline Junction to Riverside, Mass.

B. & M.: 5 miles double track, Hoosac Tunnel.

C. R. R. of N. J.: 11.5 miles single track, Matawan to Atlantic Highlands, N. J.

Penna.: 32 miles double track, Newark to Columbus, O. 210.9 miles of road, 719.2 miles of track, cab signals, Manhattan Transfer, N. J., to Washington, D. C.

R. F. & P.: 9 miles double track, NA tower to Richmond, Va., and AF tower to Potomac River Bridge.

S. P.: 30 miles double track, Emigrant Gap to Andover, Calif.

Automatic block signals: Approximately 4,200 miles of road.

Centralized traffic control systems: 9 roads, approximately 250 miles of road.

Interlocking plants and remotely controlled switches and signals: 95 plants, 2,467 working levers.

At the hearings before us in *Automatic Train Control Devices*, above referred to, it was stated by representatives of the Pennsylvania Railroad that it is planned to equip the line from North Philadelphia to Manhattan Transfer, and from time to time other portions of its main line, with a system of visible and audible cab signals without automatic train-stop devices. Concerning this matter we said in our report of November 26, 1928:

Page 198. "Cab signals are without doubt an important development in the art of signalling. They place the signal indication immediately in front of the engineman where it can not be obscured by snow, fog, smoke or other obstructions and where a combination of visible and audible indication is used it is without doubt a valuable addition to the signal system."

Page 201. "The development of cab signals of the type now in use on the Pennsylvania appears to be an important forward step in the art of signalling and worthy of special attention. If the claims of that carrier were not overstated, such signals will be particularly valuable on mountain grades, where it has been vigorously contended that the use of any device which under any circumstances might take the control of the train away from the engineer would be a source of danger and not a safety device. The Pennsylvania will be expected to proceed with the further development of this device and to



conduct suitable tests on its mountain division between Altoona and Pittsburgh, Pa., with a view to equipping that division if satisfactory results are obtained."

As a result of investigation of an accident which occurred near Short Lane, Md., on the line of the Pennsylvania Railroad between Baltimore and Philadelphia, our bureau of safety reported that—

The accident here under investigation occurred in a dense fog when way-side signal indications were visible only for very short distances, and fogs of this character are frequently encountered in this locality. In view of the character and density of traffic on this line it is believed that the Pennsylvania Railroad should give immediate consideration to the question of extending their cab signal system or installing automatic train control on the main line of the Maryland Division for the purpose of providing additional protection against accidents of this character.

Following the issuance of this report, the board of directors of the Pennsylvania Railroad authorized the installation of cab signals on the Maryland and Baltimore divisions, between Philadelphia and Washington, an appropriation of \$1,704,830 being made for this purpose. An appropriation of \$1,489,193 to cover the cost of the cab-signal installation on the New York division, between Philadelphia and Manhattan Transfer, including 79 miles of road and 326.6 miles of track, had previously been authorized, the total authorized expenditure for cab-signal equipment on this line being \$3,194,023.

Prior to September 25, 1929, the equipment of the 217 steam locomotives which are operated between Philadelphia and Manhattan Transfer had been completed. Work on the roadway equipment between Manhattan Transfer and Trenton was well under way and it was expected that this portion of the installation would soon be ready to be placed in service. Between Trenton and Philadelphia, because of an electrification project to provide for the operation of multiple-unit cars which is now in progress and which includes extensive changes in the signal system, it was expected that the cab-signal installation would be ready for service about July 1, 1930.

The territory between Philadelphia and Washington includes 131.9 miles of road and 392.6 miles of track and the locomotive equipment in service in this territory consists of 166 steam locomotives, 1 electric locomotive, and 287 multiple-unit cars. Prior to September 25, 1929, the installation of cab-signal equipment had been completed on 77 of the locomotives in this territory and additional locomotives were being equipped at the rate of about 28 per month. One multiple-unit car had been equipped and arrangements were being made to conduct tests, the results of which would determine some questions not then definitely decided in connection with the equipment to be installed on multiple-unit cars in service between Philadelphia and Wilmington. The roadway work on the installation between Philadelphia and Wilmington had been prac-

tically completed; between Wilmington and Washington it was under way, most of the work being carried on between Perryville and Baltimore, particularly on those parts of the road where fogs are common, and it was expected that the cab-signal installation in this territory would be ready to be placed in service about January 1, 1930.

Some important developments in the field of railway signaling which are now in use or being installed on a number of railways are:

Remote control of power-operated switches and signals, by means of which operators at stations or interlocking plants control outlying switches and signals and thereby avoid the stopping of trains moving to or from diverging tracks.

Centralized control of traffic, by means of which traffic over a section of line is controlled by a dispatcher at a central point. This system includes remote control of switches and signals; it provides for the operation of trains by signal indication, without written train orders, and it also provides means whereby the meeting and passing of trains, and trains taking siding, can be directed and controlled without stops or with a reduced number of stops.

Protection of crossings by automatic signals, by means of which train movements over crossings of railroads at grade where there are few or no switching movements are safeguarded without requiring more elaborate and expensive interlocking plants.

Light signals are coming into general use in installations of the automatic block system. On January 1, 1929, nearly 15,000 miles of road, approximately 25 per cent of the total automatic block-signal mileage of the country, were equipped with light signals.

#### BLOCK-SIGNAL STATISTICS

The statistical analysis of the returns submitted by the carriers covering block-signal statistics shows that on January 1, 1929, there were 114,338.4 and 148,326.8 miles of road and track, respectively, operated by the block system. Of these totals 56,488.6 miles of road and 85,890.8 miles of track were under automatic block and 57,849.8 miles of road and 62,436 miles of track were operated under nonautomatic signals. Comparing these figures with the corresponding figures shown in the compilation of January 1, 1928, there was an increase of 2,872.1 miles of road and 3,826 miles of track operated by the automatic block system; and a decrease of 1,526.1 miles of road and 2,025.8 miles of track operated by nonautomatic block systems. There was a net increase during the year in the mileage operated under block-signal protection of 1,346 miles of road and 1,800.2 miles of track.

## INVESTIGATION OF ACCIDENTS

We investigated 98 train accidents, of which 67 were collisions and 31 were derailments. The collisions resulted in the death of 87 persons and the injury of 822 persons; the derailments resulted in the death of 72 persons and the injury of 485 persons, a total of 159 killed and 1,307 injured. A detailed report concerning each accident investigated is made public when completed, and summaries of these reports are published quarterly. Investigations are now in progress in respect to the failure of rails and wheels and the failure of a railroad bridge. A device for detecting transverse fissures in track rails has been operated over portions of several railroads, and a considerable number of rails in which transverse fissures were located by this device have been removed from the tracks.

Among the accidents investigated there were 4 derailments due to broken rails, 2 derailments due to striking motor vehicles at highway grade crossings, 1 derailment the cause of which was not definitely ascertained, and 1 collision involving a motor vehicle at a highway grade crossing. These 8 accidents, resulting in the death of 27 and the injury of 136 persons, have not been classified in the statement below.

The remainder of the accidents investigated are divided into four groups in the following statement: (1) Derailments, (2) collisions in automatic-signal territory, (3) collisions in nonautomatic-signal territory, and (4) collisions in time-table and train-order territory and yards.

The following table shows the number of accidents in each group:

*Accidents investigated*

Group	Number of accidents	Number of persons killed	Number of persons injured	Probably preventable by train stop or train control			Possibly preventable by block signals; preventable by train stop or train control			Not preventable by block signals, train stop, or train control		
				Number of accidents	Number of persons killed	Number of persons injured	Number of accidents	Number of persons killed	Number of persons injured	Number of accidents	Number of persons killed	Number of persons injured
1.....	24	46	355	3	2	22	1	1	4	20	43	329
2.....	16	19	169	9	13	94		1		7	6	75
3.....	9	10	102				6	9	35	3	1	67
4.....	41	57	545				30	44	533	11	13	12
Totals for year ended June 30, 1929.....	90	132	1,171	12	15	116	37	54	572	41	63	483
Totals for years ended June 30—												
1928.....	72	126	896	11	18	74	21	42	472	40	66	350
1927.....	70	174	1,151	10	13	321	19	45	318	41	116	512
1926.....	104	192	1,611	15	40	246	29	45	594	60	107	771



The number of preventable accidents as above indicated, the number of persons killed, and the number injured in such preventable accidents represent 50, 43.4, and 52.6 per cent, respectively, of the total number of accidents investigated, persons killed, and persons injured.

During the calendar year 1928 there were 5,800 accidents at highway grade crossings, which resulted in the death of 2,568 persons and the injury of 6,666. Automobiles figured in 5,046 of these accidents, 2,165 persons being killed and 6,218 injured. As compared with the two preceding years there was a considerable increase in the number of derailments of trains as a result of collisions between trains and automobiles; during the year there were 50 such derailments, causing the death of 22 persons and the injury of 47. It does not appear that during the past three years there has been any decided trend, either upward or downward, in the number of grade crossing accidents. There is, however, a marked increase from year to year in the number of automobiles registered. For purposes of comparison, corresponding records for the past three years are summarized as follows:

	1926			1927			1928		
	Number	Number of persons killed	Number of persons injured	Number	Number of persons killed	Number of persons injured	Number	Number of persons killed	Number of persons injured
Accidents at highway grade crossings.....	5,862	2,491	6,991	5,640	2,371	6,613	5,800	2,568	6,666
Accidents at highway grade crossings involving automobiles.....	4,970	2,062	6,358	4,857	1,974	6,068	5,046	2,165	6,218
Derailments of trains as a result of collisions between trains and automobiles.....	26	11	54	34	6	64	50	22	47
Automobiles registered.....	22,001,393			23,127,315			24,493,124		

#### EXAMINATION OF PLANS

During the year plans of 38 devices designed to promote the safety of railway operation, and revised plans of 11 devices previously submitted, were examined and reports thereon transmitted to the proprietors.

#### MEDALS OF HONOR

The act of February 23, 1905, authorizes the President to bestow bronze medals of honor upon persons who by extreme daring endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing or endeavor-

ing to prevent such wreck, disaster, or grave accident, upon any railroad within the United States engaged in interstate commerce. During the fiscal year ended June 30, 1929, four applications for award of medals of honor as provided in this act were filed. In one application, proper evidence for consideration was not furnished, and in the other three, awards were made as follows:

Mr. Henry Naumann, crossing flagman, employed by the Michigan Central Railroad, who attempted to save the life of an elderly woman on March 30, 1929, at a grade crossing at Hammond, Ind.

Olney D. Ball, brakeman, employed by the Southern Pacific Co., who saved the life of a small boy, on January 11, 1927, at Miami, Ariz.

William Patrick, an employee of the International Shoe Co., who saved the life of a small boy, on February 5, 1929, at Wood River, Ill.

Since the passage of this act 50 applications have been filed; 32 have been approved, 17 denied, and in 1 case sufficient evidence was not furnished.

### BUREAU OF SERVICE

In our previous report we referred to the results obtained from the assignment of our service agents to specific zones with headquarters at the principal terminals therein. The demand for their services continues to increase and by the cooperative methods employed they have been successful in adjusting to the mutual satisfaction of shippers and carriers many matters which would otherwise come to us for formal consideration. All complaints concerning the interpretation and correct application of tariff rules governing the assessment of demurrage are scrutinized by the bureau with a view to effecting an informal adjustment. Since May of this year 33 informal cases have been dealt with, none of which have thus far been made the subject of appeal through formal complaint.

The facilities and personnel of this bureau continue to be utilized in certain activities other than car service. Investigations pertaining to various phases of railway operation are handled in connection with the regular field work. Hearings in certain formal cases are conducted and the bureau assists in the consideration and review of others.

In our last report we referred to the fact that we had assigned to this bureau supervision of the investigation in Docket No. 20769, *In re Refrigeration Charges on Fruits, Vegetables, Berries, and Melons from the West*, which embraces all the United States with the exception of charges from and to the territories under investigation in Docket No. 17936, *In re Refrigeration Charges on Fruits, Vegetables, Berries, and Melons from the South*. This investigation is of considerable magnitude. Field work by service agents and account-

ants has been in progress for several months and is not yet completed. Our accountants are compiling voluminous data from the accounts of the interested carriers and private car lines. These records when completed will serve as a basis for the refrigeration cost studies which must form an important part of the investigation.

During the year several of our service agents were assigned to observe and note the practices of shipping less-than-carload freight of various kinds in large steel containers. The result of their investigation and study are to be used by us in our investigation of this subject under Docket No. 21723.

For a period of several months during the past winter and spring two of our service agents participated in the test-weighing of fresh vegetables which originate in the State of Florida for the purpose of determining the fair estimated weight of such vegetables in standard containers. The actual weighing during this test was performed by individuals representing the carriers and growers, the work being supervised by our service agents to insure uniformity in practice throughout the State. We also participated in the test-weighing of fruits and vegetables in North Carolina. The results of these tests were to be used in formal proceedings involving the rates applicable on such commodities.

A substantial number of complaints, chiefly of local character, have been registered by shippers and receivers of freight during the past year, but in general the carriers have provided an adequate supply of cars and handled freight traffic with commendable promptness and speed. There has been no extensive shortage of freight cars or motive power, and no nation-wide embargoes have been necessary. The outstanding transportation accomplishment of the year was the prompt handling, in most instances, of the heavy shipments of grain offered in July and August which was made possible by reducing unserviceable equipment to a minimum and assembling grain cars in originating territory in advance of the movement. The extraordinary volume of the shipments which moved within a relatively short period occasioned some congestion at certain ports and primary markets, and resulted in the laying of some embargoes.

In response to numerous informal complaints filed with us concerning unsatisfactory freight service provided by the railroads for the transportation of livestock originating in the State of Wisconsin, this bureau in cooperation with the Wisconsin Railroad Commission conducted an exhaustive investigation into the subject, and through informal handling with the carriers brought about a general readjustment of practically all livestock schedules from shipping stations in the State of Wisconsin to Chicago. The carriers which have materially shortened their schedules are the Chicago & North Western; Minneapolis, St. Paul & Sault Ste. Marie; Chicago, Burlington &



Quincy; Chicago, Milwaukee, St. Paul & Pacific, and the Green Bay & Western.

The new schedules are so arranged that livestock taken from farms to railway loading stations during morning hours can be marketed at Chicago the following day. Heretofore, such livestock ordinarily reached Chicago the second day after leaving the farms, and the running schedules were such that frequently it was necessary to unload shipments one or more times while en route for feed, water, and rest. In some instances shipments spent two nights and a day on the road, and in other cases trains departed from originating stations so early in the morning that it was necessary to assemble the stock at such stations or load it in cars the night before. The necessity of holding stock in station pens for long periods will now be avoided, and it is estimated by the shippers that under the new arrangements they will save from \$50 to \$150 or more per car, account less shrinkage, depending on whether shipments consist of hogs, cattle, calves, or sheep. The expense of feeding in transit will also be avoided. In addition to the foregoing, informal complaints that were filed concerning the handling of livestock between certain points in Iowa and Illinois were investigated and practical and satisfactory adjustments arranged.

In consequence of dissatisfaction concerning the character of freight cars supplied for the transportation of natural ice from Pocono Mountain region in the State of Pennsylvania, a series of cooperative tests, in which one of our service agents participated, was conducted in July and August, 1929, to determine whether the meltage of ice in transit was greater in cars having bodies of wood or bodies of steel construction. It was found that the latter afforded the greatest protection, and this type will be furnished hereafter.

The practice permitted by car distribution rules now in force of allowing coal producers to hold cars under load with unbilled coal for indefinite periods without penalty for the detention of such equipment, and the extent to which such accumulations are permitted, has received some study. It is not unusual for such shipments to stand in cars for a period of from 10 to 30 days before billing is tendered by the shipper. While so held, cars are of course not available for other service.

Pursuant to our order we receive, as of the first of each calendar year, reports from carriers and private car lines outlining in detail the character of construction of general service refrigerator cars which are operated in freight and passenger trains. This information is on file in this bureau and is available for use by shippers and others interested. The data include the initials and number of each refrigerator car in service, the character, distribution, and thickness of the

insulation, the type and capacity of ice bunkers, the construction of bulkheads, and the year in which the car was built and rebuilt.

Other activities of the bureau during the past year in connection with car service, some of which were prompted by informal complaints, have covered a wide range of subjects. They include numerous local investigations in producing territory in various States to determine the approximate quantity of important commodities that would be tendered for shipment, the number of cars needed, and the supply of suitable cars available on individual railroads; investigations pertaining to facilities at primary markets and ports for receiving, handling, and storing grain; shortages on individual railroads of cars for loading grain, potatoes, and coal; the temporary shortage of motive power on a western carrier for moving grain; failure to provide sufficient track space for placement of cars to be loaded with perishables; the refusal of an originating carrier to furnish its cars for loading to points beyond its rails, a refusal to supply cars for loading because of an outstanding bill for a few hundred dollars which was in controversy; the placing of so-called short refrigerator cars for loading citrus fruits and cantaloupes, contrary to the desire of shippers; the lack and desirability of heater service in freight cars for shipments of potatoes and onions in winter months, the loading of refrigerator cars of eastern ownership from eastern stations to western points when refrigerators of western ownership were available, and other handling of cars contrary to the car-service rules adopted by the carriers; the failure to provide facilities for loading and unloading livestock; the condition of livestock pens at many originating stations with respect to adequacy of size, protection from cold and storms, drainage, and the supply of drinking water; the condition of scales provided for weighing shipments; the failure of certain trains carrying express to pick up at stopping points shipments awaiting movement; delays to express shipments when trains fail to make connections; the lack of express pick-up service for perishables in freezing weather; the failure of carriers to handle shipments promptly when tendered for movement, and failure promptly to place cars for unloading when received at destination; the refusal to switch cars to unloading points when such cars were handled by other carriers in line-haul service; the detention of refrigerator cars at destination, both before and after being released by consignees; delays by carriers in handling refrigerator cars through large terminals, the offering in interchange of freight cars containing refuse, delays to cars at large interchange points for various reasons, and repeated setting back of cars after delivery; the temporary congestion due to the accumulation of loaded cars in the Central West during the heavy grain shipping

season; operating conditions on individual railroads as the result of high water and floods; the methods of handling cars loaded with explosives in switching service; disagreements between certain vegetable shippers and carriers in the South concerning materials to be used in constructing shipping containers; the justification for placement of embargoes at numerous points; and many other matters of similar nature but too numerous to mention. Practically all of the matters investigated which involved complaints or practices regarded as improper were adjusted or corrected by the carriers after the facts had been developed and brought to the attention of their officials.

#### SERVICE ORDERS

Since our last report we have exercised our emergency powers in two instances.

On January 24, 1929, the Wheeling & Lake Erie Railroad was authorized by Service Order No. 48 temporarily to discontinue the operation of its trains into and out of its Ontario Street passenger station in the city of Cleveland, due to the unsafe condition of this station, and was authorized to use the tracks and station facilities of the Erie Railroad and the tracks of the Cleveland, Cincinnati, Chicago & St. Louis Railway Co.

Service Order No. 49, entered March 27, 1929, superseded by No. 49-A, dated March 30, 1929, and vacated April 5, was issued because of flood conditions in the State of Alabama, the Central of Georgia Railway being authorized to forward traffic held at any point on its line which was destined to, from, or via Florala, Ala., and points in the immediate vicinity, via routes most available to expedite movement and prevent congestion.

#### CAR-SERVICE RULES

In our thirty-ninth annual report we pointed out the great opportunity which exists for effecting economies through the short routing of foreign cars being returned empty to home lines, instead of returning each such car over the route of outbound movement as provided for in the car-service rules of the carriers. The opportunity thus referred to; that is, that of avoiding expensive round-about hauls for these empty cars, becomes increasingly important in proportion as the demand for cars for loading decreases.

#### EFFICIENCY AND ECONOMY OF OPERATION

The matter of interchange continues to receive attention and wherever improper practices have been found to exist steps have been taken to improve the situation.



Prompted by suggestions from individuals interested in the marketing of perishable food products, an informal investigation has been conducted as to the extent to which destination carriers have established or plan to establish individual produce terminals in some of the large eastern cities. The construction of duplicate structures has been criticised. The question is being considered from the standpoint of necessity and economy inasmuch as such terminals involve the outlay of substantial sums of money.

The filing with us by the carriers of copies of their contracts or agreements for the repair or rebuilding of locomotives, cars, and other equipment is being continued as required by our order of July 6, 1925.

These contracts and agreements are currently studied, and, where the circumstances seem to indicate that investigation should be made, such investigation is promptly undertaken.

The progress made by Class I railroads during the past several years in connection with fuel economy on freight locomotives is indicated in the following table:

*Fuel consumption, freight locomotives, eight months ended August 31*

[Gross ton-miles per ton of coal, including the equivalent coal tonnage for fuel oil consumed]

1921-----	12, 374	1926-----	14, 693
1922-----	12, 681	1927-----	15, 325
1923-----	12, 270	1928-----	15, 751
1924-----	13, 277	1929-----	16, 069
1925-----	14, 390		

The general condition of the rolling equipment of the carriers is shown in the statement following:

*Percentage of locomotives and freight cars unserviceable, Class I railroads*

Period	Per cent of freight cars unserviceable	Per cent of locomotives unserviceable		Period	Per cent of freight cars unserviceable	Per cent of locomotives unserviceable	
		Road freight	Road passenger			Road freight	Road passenger
1920-----	7.0	24.5	24.8	1925-----	7.7	17.8	17.9
1921-----	13.1	24.0	23.1	1926-----	6.5	16.4	17.0
1922-----	12.8	25.5	23.5	1927-----	5.9	16.1	16.4
1923-----	8.0	21.6	20.8	1928-----	6.2	16.3	16.4
1924-----	7.8	18.8	18.5	1929 (8 months)-----	6.1	16.1	16.1

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Since our last report regulations for the safe transportation of explosives and other dangerous articles by land were amended by two orders containing 13 new and changed paragraphs and 19 speci-

fications for containers. Further matters under consideration include a general revision of the regulations involving rearrangement of paragraphs to facilitate the use thereof, provision for new commodities which have come into more general use and changes to meet new conditions which have arisen in the transportation of these articles. Violations were found in the placement of cars of gasoline in freight trains nearer to engine or caboose than permitted by the regulations. Examination has been made of our requirements as placed in the hands of railroad employees and it is expected that hereafter all changes in the regulations will be published and distributed among employees of all carriers at the same time. Specifications for the construction of tank cars were completely revised and brought up to date.

Work is proceeding on a code of regulations for the transportation of explosives and other dangerous articles by truck and bus, also proposed regulations for water-borne traffic, which are complete and will be ready for distribution within a few weeks.

Accidents in all shipments of explosives and other dangerous articles in 1927 compared to 1928 were as follows:

Year	Number of accidents	Killed	Injured	Property loss
1927	1,289	5	34	\$651,523
1928	1,205	15	106	816,965

In 1928, 12 accidents occurred in the transportation of explosives. No persons were killed or injured and the property loss was \$77 as against \$45 for 1927. The percentage of total property loss for inflammable liquids in 1928 was 95, and for explosives 0.009. Property loss in the transportation of gasoline was about 90 per cent of the total for all inflammable liquids and about 87 per cent of all losses. Of the 15 deaths reported in 1928, 10 occurred in one wreck, 8 of them tramps. Ten of the fifteen persons killed were trespassers. Of the 106 persons injured, 70 were slightly injured through leakage of chlorine gas from a tank car. Except for those injuries the total was within the average of from 30 to 40 persons. Seventeen of the remaining injuries were due to the handling of corrosive liquids including full and empty acid carboys.

#### REVENUE FREIGHT LOADED

The loading of revenue-producing freight established a new high record. The aggregate number of cars loaded is estimated at 53,530,000 cars which compares with 52,121,000, 52,549,000, and 52,895,000 cars loaded in the 12 months ended October 31, 1928,

1927, and 1926, respectively. The carriers reported on line, available for service, a daily average of 219,000 railroad-owned serviceable freight cars which were idle because the supply exceeded the demand.

### COAL

Bituminous coal production is estimated at 524,000,000 net tons, compared with 491,000,000, 553,000,000, and 560,000,000 for corresponding periods ended October 31, 1928, 1927, and 1926. For the same periods anthracite production totaled approximately 76,000,000 tons for 1929, 75,000,000 tons for 1928, 82,000,000 tons for 1927, and 69,940,000 tons for 1926.

The bituminous lake-cargo coal moved, during the open season to October 31, plus the stocks at the head of the Lakes on April 1, totaled 36,283,585 net tons, which exceeds all previous records for that period. Stocks on hand at the head of the Lakes, as of April 1, with the tonnage dumped to October 31 for 1929 and previous years, are shown below:

Year	Bituminous stocks at the head of the Lakes Apr. 1	Net tons dumped into boats to Oct. 31	Stocks Apr. 1 plus tons dumped to Oct. 31
1923-----	878, 856	25, 979, 765	26, 858, 621
1924-----	3, 180, 331	19, 609, 283	22, 789, 614
1925-----	2, 368, 131	22, 562, 464	24, 930, 595
1926-----	2, 318, 857	24, 395, 289	26, 714, 146
1927-----	1, 507, 198	29, 478, 171	30, 985, 369
1928-----	3, 060, 586	28, 958, 250	32, 018, 836
1929-----	2, 878, 720	33, 404, 865	36, 283, 585

The anthracite coal dumped into boats at Lake Erie ports aggregated about 1,186,000 net tons in 1929, 1,254,000 in 1928, 1,722,000 in 1927, and 2,514,000 in 1926.

### NEW ENGLAND COAL

Receipts of bituminous coal in New England are estimated as 21,100,000 net tons, compared with 18,900,000, 23,417,000, and 21,126,000 tons during the 12-month periods ended October 31, 1928, 1927, and 1926, respectively. For the same periods anthracite receipts approximated 9,300,000 net tons in 1929, 9,090,000 in 1928, 9,422,000 in 1927, and 8,890,000 in 1926.

### EXPORT COAL

The domestic bituminous coal exported from January 1 to October 31 approximated 15,000,000 net tons in 1929, as contrasted with 13,128,000 tons in 1928, 15,841,000 tons in 1927, and 25,299,000 tons during 1926. The British coal strike affected exports in 1926.



## GRAIN AND GRAIN PRODUCTS

The loading of grain and grain products in the 12-month period ended October 31, 1929, amounted to about 2,500,000 carloads, which compares with 2,473,000 in 1928, 2,372,000 in 1927, and 2,414,000 in 1926.

## LIVESTOCK

The livestock movement aggregated approximately 1,444,000 carloads as against 1,533,000 in 1928, 1,558,000 in 1927, and 1,613,000 in 1926.

## FOREST PRODUCTS

The loading of forest products is estimated at 4,114,000, 3,310,000, 3,464,000, and 3,686,000 carloads in the 12-month periods ended October 31, 1929, 1928, 1927, and 1926, respectively.

## MISCELLANEOUS FREIGHT

Miscellaneous carload traffic approximated 20,730,000 carloads, compared with 19,637,000, 19,559,000, and 19,445,000 cars in the 12 months ended October 31, 1928, 1927, and 1926, respectively. Less-than-carload shipments of merchandise and other items aggregated about 13,320,000, 13,181,000, 13,294,000, and 13,322,000 in the same periods.

## PERISHABLE FREIGHT

The car-lot movement of fresh fruits and vegetables is estimated at 1,060,000 cars, as compared with approximately 1,057,000 and 1,026,000 for the corresponding periods ended October 31, 1928 and 1927.

## REFRIGERATOR CARS IN SERVICE

Reports from railroads and private car lines indicate that 151,086 general service refrigerator cars, 148,232 freight and 2,853 express, were in use on railways in the United States as of January 1, 1929. The railroads have in service 43,091 freight and 1,924 express refrigerators, the remainder being operated under the direction of private car lines. In addition, meat packers and other companies operate several thousand refrigerators which are employed chiefly to carry the products of their owners and are not available for use by shippers generally.

## BUREAU OF STATISTICS

This bureau received 2,161 annual reports for the calendar year 1928, classified as follows:

	Number of annual reports
Steam railway companies:	
Class I.....	175
Class II.....	265
Class III.....	346
Switching and terminal.....	221
Lessor.....	388
Total.....	1,395
Electric railways.....	223
Sleeping-car companies (Pullman).....	1
Express companies.....	2
Telephone companies.....	346
Telegraph and cable companies.....	16
Water lines.....	145
Pipe lines.....	33
Grand total.....	2,161

No change was made during the year in the list of regular annual, quarterly, and monthly statistical reports issued from this bureau. The titles of these reports appeared in our forty-second annual report, page 50. The time of the statistical analysts during the year was, in large part, devoted to the review and testing of exhibits in important rate cases. Attention was also given by this bureau to the statistical aspects of the revision of accounts to which reference is made elsewhere in this report.

Commodity statistics were issued in accordance with the expanded form described in our last report. This made possible a special study of the relation of freight revenue to the market value of the commodities carried. From this study, issued as Statement No. 29111, it appears that the freight revenue collected by the railways amounts to about 7 per cent of the value at destination of the commodities carried. The percentages for specific commodities vary widely, being small for articles of high value and large for articles of low value, as well as for articles of higher value with a long haul and small load per car.

A study was also made of the rate of traffic growth on steam railways, issued as Statement No. 2982. From this it appears that for the 14 years ending with 1928, railroad freight traffic grew at the rate of 2.89 per cent, while in the preceding 14 years it had grown at the rate of 4.98 per cent, both percentages being computed as compounded annually. In both periods the growth was approximately 10,000,000 ton-miles per annum.

In Appendix C will be found statistical summaries of railway development since 1910 and abstracts of recent monthly and other periodical reports.

A discussion of railroad earnings will be found in a separate section of this report.

The length of the steam railway system in the United States slowly declined from 1916 to 1927, but the reports for 1928 show an increase of 178.34 miles compared with the total for 1927. Each year the mileage of additional main tracks has increased, as is also the case with miles of yard tracks and sidings. For every mile of first track there is now nearly two-thirds of a mile of other tracks.

The steam railways had 63,311 locomotives in service at the close of 1928 as compared with 67,936 ten years earlier, a decrease of 6.81 per cent, but the average tractive power per locomotive is 25.27 per cent greater. The number of freight cars (excluding cabooses) reported as owned or leased by the railway companies was 2,346,751 at the close of 1928 as compared with 2,397,943 in 1918, but the number of cars controlled by private car lines not reporting to us has increased. The total number of freight cars (excluding cabooses) on the rails, including private cars, was 2,635,343 in 1928, which was 2.54 per cent greater than in 1921, the first year for which a total for private cars is available. The number of loaded freight car-miles was 18.42 per cent greater in 1928 than in 1918, and 37.24 per cent greater than in the year ended June 30, 1915. The number of passenger-train cars owned or leased by the steam railways, not including cars of the Pullman Co., reached its peak in 1924, when the number was 57,451. In 1928 the number was 54,800. This was 16.15 per cent greater than the number of such cars in 1910, but the number of passengers carried was 17.83 per cent smaller in 1928 than in 1910. The number of passenger-miles was 1.92 per cent less in 1928 than in 1910. The number of cars in service of the Pullman Co. was 5,283 in 1910, 7,907 in 1924, and 9,217 in 1928. The increase in the average trainload and in the average speed of freight train movement continues. These and other averages are shown below for the first eight months of 1929 in comparison with the same period in each year since 1920. In connection with the lack of improvement in the average carload (net ton-miles per loaded car-mile) and in the loaded car-mile percentage, it may be noted that these averages are affected by changes in the composition of the freight traffic. The load per car and percentage of empty haul vary considerably for different types of cars.



*Selected items of operating averages, Class I steam railways, first eight months, 1920-1929*

8 months ended with August—	Net ton-miles per mile of road per day	Ton-miles per train-mile		Average miles per hour of trains	Net ton-miles per car-day	Average carload tons (ton-miles per car-mile)	Car-miles per car-day <sup>1</sup>	Per cent loaded of total car-miles	Car-miles per train-mile	Gross ton-miles per train hour (excluding locomotives)	Pounds of coal per 1,000 gross ton-miles (including locomotives) <sup>2</sup>
		Gross tons (except locomotives)	Net tons								
1920.....	5,179	1,433	708	10.3	483	28.8	24.0	69.9	36.2	14,833	( <sup>3</sup> )
1921.....	3,929	1,423	646	11.6	378	27.9	21.7	62.5	38.1	16,424	162
1922.....	3,959	1,445	655	10.8	388	26.2	22.3	66.4	38.6	16,652	158
1923.....	5,341	1,528	716	11.0	510	28.2	27.4	66.0	39.4	16,464	163
1924.....	4,794	1,563	702	11.7	453	26.8	26.0	65.0	41.2	17,997	151
1925.....	5,117	1,656	740	11.8	477	27.0	27.4	64.5	43.5	19,643	139
1926.....	5,462	1,715	759	12.0	511	27.1	29.6	63.7	44.9	20,616	136
1927.....	5,463	1,772	778	12.3	515	27.3	29.9	63.0	46.3	21,777	131
1928.....	5,213	1,812	778	12.9	504	26.5	30.3	62.9	47.7	23,345	127
1929.....	5,593	1,857	802	13.2	544	26.8	32.1	63.2	48.4	24,416	124

<sup>1</sup> Includes unserviceable cars.

<sup>2</sup> Includes equivalent coal tonnage for fuel oil consumed.

<sup>3</sup> Data not available.

The number of employees of Class I railways averaged 1,656,411 for the calendar year 1928. This was 5.51 per cent less than the average for the preceding three years. For the first half of 1929, the number employed was 0.11 per cent less than for the same period in 1928. Compensation of employees chargeable to operations in 1928 was 43.03 per cent of the total operating revenues of that year. The corresponding figure was 43.85 per cent for 1927; 42.58 per cent for 1926; 43.22 per cent for 1925; and 44.32 per cent for 1924.

In the calendar year 1928, 6,509 persons were killed in accidents incident to the operation of steam railways, including their shops, as compared with 6,821 in 1927, 6,947 in 1926, and 6,617 in 1925. Of the total fatalities in 1928, 70 occurred in collisions, 129 in derailments, and 73 in other train accidents. The number of persons killed at grade crossings, excluding a small number included under train accidents, was 2,496. The number of trespassers killed was 2,262, excluding those reported in connection with train accidents and highway crossing accidents. The number of employees killed was 1,327. There were 85 passengers killed in 1928, of whom 16 were killed in train accidents. The figures for fatalities do not include 169 cases classified as suicides, and they also do not include the number of persons dying after the expiration of 24 hours from time of injury. In 1928 the number of "subsequent fatalities" was 498.

#### RAILROAD EARNINGS

The net railway operating income of Class I railways has shown a substantial increase since our last report. This is the result of a moderate growth in operating revenues since 1927 without a corre-

sponding increase in expenses. These three items are shown below for a series of years:

*Operating revenues, expenses, and net railway operating income of Class I steam railways, 1923-1929*

[Millions of dollars]

Account	Calendar years						12 months ending with August, 1929
	1923	1924	1925	1926	1927	1928	
Operating revenues.....	6, 290	5, 921	6, 123	6, 383	6, 136	6, 112	6, 333
Operating expenses.....	4, 895	4, 508	4, 537	4, 669	4, 574	4, 428	4, 489
Net railway operating income.....	962	974	1, 121	1, 213	1, 063	1, 173	1, 313

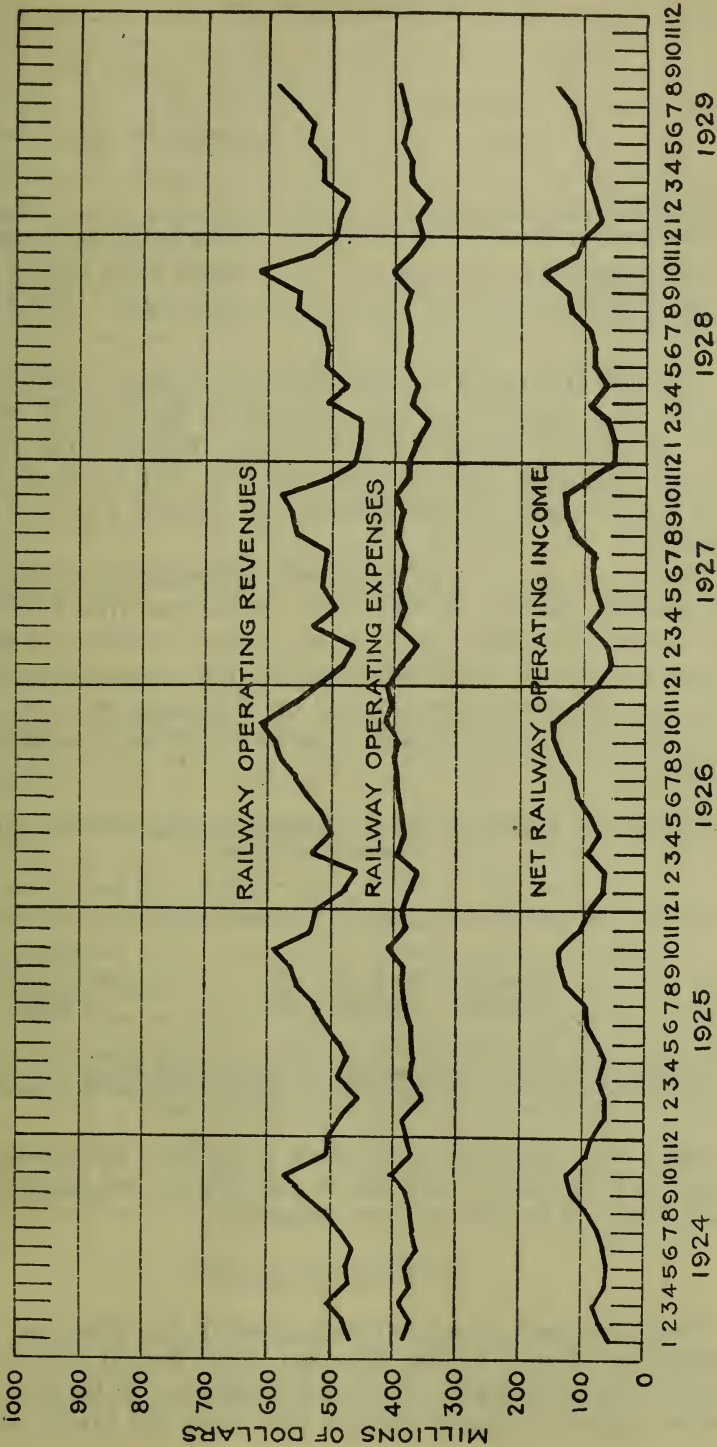
It will be noted that the revenues for the 12-month period ending with August, 1929, the latest 12-month period for which returns are available, were approximately the same as those for the last peak year, 1926, while the expenses were less for the 1929 period than for 1926. The increase in net railway operating income, which is the remainder after expenses, taxes, and hire of equipment and joint facility rents have been deducted from operating revenues, for the 12-month period ending with August, 1929, was \$140,000,000, or 11.94 per cent over that for 1928; \$100,000,000, or 8.24 per cent greater than that for 1926; and \$351,000,000, or 36.49 per cent greater than that for 1923. Between December 31, 1923, and December 31, 1928, there was, however, an increase in investment, after deduction of the increase in the depreciation reserve, of \$2,543,142,146.

The chart on the next page shows the monthly fluctuations in revenues, expenses, and net railway operating income from January, 1924, to August, 1929, inclusive.

The decline in passenger revenue, concerning which comment has been made repeatedly in preceding reports, continues. For the first eight months of 1929 the passenger revenue of Class I railways was \$594,799,609, or 2.54 per cent, less than for the corresponding period in 1928, and for the calendar year 1928 the decline in passenger revenue, compared with the revenue for 1927, was 7.58 per cent.

Apparently no abnormal change in maintenance policy has occurred in recent years when the Class I railways are considered as a whole, but the proportion of revenues spent for equipment maintenance has declined each year since 1923. The following table shows the ratio of maintenance, transportation, and other operating expenses to operating revenues for five years:

RAILWAY OPERATING REVENUES, EXPENSES, AND NET RAILWAY OPERATING INCOME,  
BY MONTHS: CLASS I STEAM RAILWAYS IN THE UNITED STATES.





*Ratios of expenses to revenues, 1925-1929*

Item	Calendar years				12-month period ending with August, 1929
	1925	1926	1927	1928	
Ratio to revenues:					
Maintenance of way and structures.....	13.34	13.58	14.15	13.71	13.46
Maintenance of equipment.....	20.58	20.10	19.87	19.09	18.81
Total maintenance.....	33.92	33.68	34.02	32.80	32.27
Transportation expenses.....	34.92	34.18	34.83	33.87	32.93
All other expenses.....	5.26	5.29	5.69	5.78	5.68
Railway operating expenses.....	74.10	73.15	74.54	72.45	70.88

The ratio of taxes to revenues continues to show a tendency to increase. For 1928 tax accruals amounted to \$389,432,415, which was 6.37 per cent of the operating revenues. For 1927 the percentage was 6.13, for 1926, 6.09, and for 1925, 5.86. Of the taxes for 1928, 22.6 per cent went to the Federal Government and 77.4 to other agencies.

The improvement in the net railway-operating income above noted has resulted also in a growth in the net income after fixed charges, and in dividend declarations. A satisfactory statement of aggregate railroad dividends is difficult to make owing to complications arising from intercorporate relations, but the following table will serve to show the moderately favorable trend in the financial condition of the railways:

*Net income and dividends of steam railways, excluding switching and terminal companies, 1923-1928*

Year ended Dec. 31—	Net income <sup>1</sup>	Amount of dividends <sup>2</sup>	Year ended Dec. 31—	Net income <sup>1</sup>	Amount of dividends <sup>2</sup>
1923.....	\$632,000,000	\$361,000,000	1926.....	\$883,000,000	\$468,000,000
1924.....	623,000,000	385,000,000	1927.....	742,000,000	481,000,000
1925.....	771,000,000	408,000,000	1928.....	855,000,000	509,000,000

<sup>1</sup> Includes amounts received by railways from investments in securities of other railways.

<sup>2</sup> Excluding stock dividends and also excluding a distribution of coal company bonds and interest in 1927, amounting to \$59,631,848, and a distribution of Chesapeake Corporation stock, amounting to \$16,667,680, but including dividends receivable by one railway from another.

Other data regarding the results of railway operations will be found in Appendix C, and also in the chapters relating to the Bureau of Service and the Bureau of Statistics.

**BUREAU OF TRAFFIC**

The bureau acts in an advisory capacity in connection with the disposition of most of the more important formal cases involving general rate policies and extensive adjustments. It handles administrative matters connected directly with rates and tariffs and assists

in the settlement through informal negotiations between shippers and carriers of as many controversies as possible without litigation.

As a result of negotiations the carriers have adopted the practice of publishing rules in their commodity tariffs under which the rates apply at unnamed intermediate points, from which shipments of such commodities ordinarily do not move, in lieu of the former practice of publishing rules containing a promise to establish rates at intermediate points upon request and to make reparation of the amounts collected in excess of the subsequently established rates. Under the former practice shippers were required to pay the higher class rates and carriers, after publishing commodity rates from or to the intermediate points, were required to file an application on our special docket for authority to make the refund. The new practice relieves the shippers of the necessity of paying the higher rates and relieves the carriers of the expense incident to the additional publication. In furtherance of this practice, the posting requirements have been modified to the extent of not requiring the posting of tariffs at such unnamed intermediate points.

Continued progress is being made toward a more unified rate structure.

#### SECTION OF TARIFFS

There were filed 100,569 tariff publications containing changes in freight, express, and pipe-line rates, passenger fares, and freight classification ratings. In addition thereto 1,066 publications were received for filing but were rejected for failure to give the notice required by the statute. Powers of attorney and certificates of concurrence were also filed aggregating 39,085. Applications received seeking special permission to establish rates or fares on less than statutory notice or waiver of certain of our tariff-publishing rules numbered 6,096. Specific orders were entered granting 4,914 and denying 689 of these applications. The remainder were disposed of otherwise. Correspondence relating to tariff construction in accordance with our rules and regulations promulgated under section 6 of the act consisted of 36,783 letters received and 28,554 letters written. For our own use, as well as for the use of other branches of the Government and of shippers, 10,879 rate memoranda were prepared. Our duplicate tariff file has been maintained for the use of the public.

#### SUSPENSIONS

Rate adjustments were protested and suspension asked in 539 instances, a decrease of 2 under last year. These protested adjustments, of which 99 represented reductions, 326 represented increases,

69 represented both increases and reductions, and 45 represented neither increases nor reductions, covered not only a large number of rate schedules but many thousands of rates.

The following action was taken on the requests for suspension:

Suspended.....	193
Refused to suspend.....	165
Schedules rejected, requests for suspension withdrawn, or protested schedules withdrawn.....	181
Total.....	539
Proceedings pending from previous year.....	188
New proceedings on suspension docket.....	193
Total.....	381

Of this number 168 were disposed of, a decrease of 27 under last year; 114 after formal hearing and report and 54 through informal proceedings without report.

#### THE FOURTH SECTION

The number of applications received was 370. The number of orders entered in response to applications was 290, of which 248 were denial orders or orders granting permanent relief and 42 authorizing temporary relief.

Of the orders entered, 44 were in response to applications included among the 5,031 applications for authority to continue fourth-section departures existing at the time the amendment of June 18, 1910, became effective. Two hundred and thirty-nine were in response to applications filed subsequently, six were in response to both old and new applications, and one in formal proceedings where no application had been assigned.

Applications or portions thereof withdrawn after correspondence with carriers numbered 16; orders or portions thereof granting relief, 185; orders or portions thereof denying relief, 105; applications assigned in whole or in part for hearing in connection with other proceedings, 70; and 283 applications or portions thereof were heard in independent fourth-section proceedings.

The number of petitions for modification of orders was 94, of which 1 was withdrawn, 63 were granted, 22 were denied, and 8 are still pending.

Of the 776 applications filed under the 1910 amendment to the fourth section which remained undisposed of in our file on October 31, 1927, hearings have been held on 636, or portions thereof. Of those heard, 42 have been disposed of in their entirety and 506 in part. Twenty-three of these applications have been disposed of as a result of correspondence with the carriers. The number still awaiting final action is 711.



In *Commodity Rates on Lumber and Other Forest Products*, 151 I. C. C. 763, decided February 14, 1929, one of the questions involved was the construction of the so-called equidistant clause of section 4 which provides that—

if a circuitous rail line or route is, because of such circuitry, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points.

The carriers parties to this proceeding requested relief to apply rates on lumber from south Pacific coast territory to destinations in central territory without complying with the long-and-short-haul provision of section 4. The rates were constructed on what is known as a group basis and relief was desired by carriers operating through higher-rated groups to reach lower-rated groups. The carriers seeking relief operated routes which were generally circuitous in character but based their claim for relief upon the necessity of maintaining the group adjustment rather than upon the ground of circuitry. Relief was granted subject to the equidistant provision, the holding of the majority being that under the provisions of section 4 the commission is not authorized to grant relief to circuitous lines for the purpose of maintaining a group adjustment of rates without making such relief subject to the equidistant clause. Upon petition of the carriers this case was reopened for argument, and argument had on November 7, 1929.

#### EXPRESS

The express business in the United States is now conducted by an organization known as the Railway Express Agency (Inc.), organized and owned jointly by the principal railway companies of the United States and by the Southern Railway System which has maintained its own express company since May 1, 1921. The Railway Express Agency commenced operations March 1, 1929. It took over the business of the American Railway Express Co. and adopted its rate schedules.

Few, if any, important changes in express rates have been made during the year. There are pending complaints filed in dockets 21811 and 22234 because of the manner in which the express companies computed so-called subblock rates which may be described as short-haul class rates applicable, generally speaking, for distances of approximately 150 miles or less. The complainants contend that the present subblock rates represent unwarranted departures from the basis prescribed by us in *Express Rates*, 1922, 83 I. C. C. 606; 89 I. C. C. 297.

## BUREAU OF VALUATION

## HEARINGS AND FINAL VALUATION REPORTS

During the past year hearing on protests to tentative valuation reports were concluded in 24 cases, embracing 23,691 miles of main line. These hearings also concluded all hearings on protests to tentative reports upon all railroad properties which have been valued. The total number of hearings embraced 766 cases, covering 234,859 miles of road.

Final valuation reports have been adopted in 820 cases, covering 140,247 miles of road. Of these, 528 cases, covering 131,780 miles of road, were decided after hearings on protests of the tentative valuations, and the remaining cases, 292 in number, representing 8,467 miles, were concluded and reported in default of protest within the statutory period of 30 days. We have also adopted and issued final valuation reports in seven telegraph and telephone cases.

## UNDERLYING AND TENTATIVE VALUATION REPORTS

Attention was called in our last report to the field inventories being made of properties which had come into existence since our original field work was completed. This field work was completed during the past year with a few minor exceptions. Additions to the program increased the number of properties to 198, and the mileage to 5,843. We have served upon these properties 36 engineering, 26 accounting, and 111 land reports, and have begun the preparation of the tentative valuation reports.

## VALUATION ORDER 3

As explained in earlier reports, this is one of our valuation orders issued in connection with the requirements of paragraph (f) of section 19a under the act, as follows:

Upon the completion of the valuation herein provided for the Commission shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the condition and value of the property of all common carriers, and shall ascertain the value thereof, and shall from time to time, revise and correct its valuations \* \* \*.

In our previous report we pointed out that as a preliminary to bringing valuations to a new date the section engaged in Valuation Order No. 3 work had been enlarged. The present force assigned to the field work is about the same as the number in such service at the close of the year covered by our last report.

Examinations have been completed on 659 operating systems whose mileage aggregates about 205,000 miles of road. These examinations cover an average period of 9.3 years subsequent to the various

dates of valuation and represent about 1,895,000 mile-years. There still remains to be examined an average of approximately 855,000 mile-years, to December 31, 1927.

Examinations are now in progress on 35 operating systems whose mileage aggregates about 45,000 miles of road. These examinations cover an average period nine years subsequent to the various dates of valuation which represents 405,000 mile-years. These examinations are considered to be approximately 60 per cent complete, an equivalent of 27,000 miles or 243,000 mile-years completed.

#### BRINGING VALUATIONS DOWN TO A LATER DATE

For the purpose of giving general notice to the carriers of the procedure to be followed in bringing the valuations heretofore established down to later dates, we adopted and served upon 1,041 operating carriers, supplement 5 to Valuation Order No. 3, Valuation Order No. 25, and an outline of plan for bringing land valuations to December 31, 1927. Specific requests have been made upon all carriers for the engineering and accounting data called for by the orders, and a number of them have been requested to comply with the outline of plan for bringing land valuations to date. The last of these was made in the month of May. Complete returns have been received from about 400 operating carriers. According to the information we have received, regarding the progress of this work, the number of completed reports will be increased to about 550, comprising about 40,000 miles of road by January 1, 1930, and will be further increased to about 650 reports, covering about 125,000 miles by June 30, 1930.

#### CLASS-RATE READJUSTMENTS

The comprehensive revisions of class rates in various parts of the country which have been in process during the past few years have now either been completed or are nearing completion. The revised rates within southern territory and between that territory and official territory on the north have been in effect for more than a year and a half. Complaints from the States of North Carolina and Kentucky are pending which bring in issue certain of the interterritorial rates, but with that exception the revised rates have apparently given rise to little or no complaint. North Carolina and Kentucky border on official territory, where a classification prevails which differs radically from that in southern territory and where the class rates have been designed to serve somewhat different purposes. These differences between adjoining territories in classifications and structural design of rates tend to cause complaint in border districts



and create problems for which no wholly satisfactory solution has yet been found. The territorial revisions, when completed, will improve this situation, but eventually it may be necessary to give it further attention and to consider even the advisability of bringing about substantially complete uniformity in classification throughout the country.

Whether the revised class rates in southern territory and between that territory and official territory afford a satisfactory model for similar revisions of commodity rates is a question which has given rise to much controversy and which remains to be determined. This controversy relates more particularly to the interterritorial rates. Some commodity-rate revisions have gone into effect, and in certain of these revisions the class-rate structure has been followed, while in others there have been departures from it.

The revised all-rail class rates within the Southwest and between that territory and the remainder of the country east of the Rocky Mountains have also been in effect for a substantial period of time, and this is true of the rates on a considerable number of commodities which were revised at the same time. During the year further revised rates have become effective on approximately 100 commodities. There have been complaints with respect to some of these commodity rate revisions, and in a number of instances the proceeding from which they resulted has been reopened in order that these complaints might be considered. In general the revised class rates and the revised commodity rates on an extensive list of important articles appear to be on a stable and satisfactory basis, unless the revision to be made in the adjoining western trunk-line territory should necessitate some changes in the southwestern adjustment. Certainly the revised rates represent a great improvement over the rates which they superseded, which were characterized by incongruity, complexity, and confusion.

The ocean-rail class and related commodity rates between the Middle Atlantic and New England States and the Southwest are under consideration but have not yet been revised. An examiner's proposed report has been issued with respect to these rates, and exceptions to this report were argued in November.

The *Eastern Class Rate Investigation*, which embraces all of the class rates within official territory, was submitted in July after oral argument, and a decision is anticipated within the comparatively near future. Owing to the close relation between the two territories, it will be considered in connection with the revision of class rates within western trunk-line territory and between that territory and both official and southern territories which is involved in *Western Trunk Line Class Rates*, No. 17000, Part 2. The present status of

that proceeding is described in the separate chapter of this report under the heading "Hoch-Smith Resolution."

With the revisions of class rates in official and western trunk-line territories, between those territories, and between western trunk-line and southern territories, all of the class rates in the country will have been revised except the transcontinental rates and those within Mountain-Pacific territory. As a result of various complaint cases which have been decided, there is now a substantial degree of uniformity in the latter, although there has been no complete revision.

### COMPILATION AND ANNOTATION OF STATUTES

Material progress has been made toward the completion of the compilation and annotation of the interstate commerce act and related acts, as directed by S. R. 17, adopted January 14, 1928. A considerable portion of the work is now in type, and a final report may be expected early in the coming session of Congress.

The resolution contemplates publication as a Senate document. The comparatively small number of copies of Senate documents customarily printed will doubtless not be adequate to supply the Federal judiciary, the Department of Justice, and other interested governmental departments and agencies. In view of the size of the undertaking, consideration should be given to increasing the issue, so that the certain demand of those departments and tribunals can be met.

The compilation is planned so that it can be kept current by the issue of current supplements from time to time. Provision should be made for the publication of such supplements.

### COOPERATION OF FEDERAL AND STATE COMMISSIONS

Since our last report the proceedings involving interstate-intra-state rate relationships in which there has been cooperation between this commission and the several State commissions numbered 26. Of these 22 were complaints filed with us in respect of rates in effect and 4 were investigation and suspension proceedings arising out of orders issued by us and by State commissions suspending the effective dates of rates proposed by carriers. A check of our records discloses that 15 State commissions have cooperated with us in these cases, 8 of which have cooperated in more than one case. In addition there has been continued active cooperation in the various inquiries conducted under No. 17000, Rate Structure Investigation. State commissions also cooperated in 36 cases involving the construction of new or the abandonment of old railroad lines. No occasion has arisen for cooperative action in car-service cases during this period.

## FORMAL DOCKET

The formal complaints filed numbered 1,520, of which 1,192 were original complaints and 328 subnumbers, a decrease of 173 as compared with the previous period. We decided 1,403 cases and 374 have been dismissed by stipulation or on complainants' request, making a total of 1,777 cases disposed of, as compared with 1,900 during the previous period.

Approximately 105 formal and investigation and suspension cases have been reopened for further hearing and reconsideration.

We conducted 1,355 hearings and took approximately 219,519 pages of testimony, as compared with 1,415 hearings and 319,557 pages of testimony during the preceding period.

The following statement shows certain facts with respect to the condition of this docket as of October 31 of the years indicated:

	1926	1927	1928	1929
Formal complaints filed.....	1, 314	1, 318	1, 404	1, 192
Subnumbers.....	210	243	289	328
Investigation and suspension cases instituted.....	268	213	189	176
Cases under submission at end of period:				
Regular docket.....	462	633	483	512
Shortened procedure.....	136	291	230	159
Cases disposed of, including subnumbers and reopened cases.....	1, 499	1, 657	2, 166	2, 120
Number of pending dockets.....	2, 555	2, 852	2, 740	2, 477

## SHORTENED PROCEDURE

In our report for 1923 we described the shortened procedure. Some modifications subsequently made in the rules are now incorporated in our rules of practice.

Briefly, the shortened procedure, upon consent of all parties to formal complaints involving simple issues, permits presentation of the evidence and argument by sworn memoranda and dispenses with oral hearing.

During the year the use of the shortened procedure was suggested by one or more of the parties in approximately 62 per cent of the cases placed on the shortened-procedure docket. Approximately 37 per cent of the total number of formal complaints are now handled by that method.

The results since the inception of this procedure are shown below:

	Number of cases
Suggested for handling under the shortened procedure, either by us or by the parties.....	4, 463
In which method not accepted by one or more of the parties.....	1, 356
In which agreement was subsequently reached by the parties, making further formal proceedings unnecessary:	
Before service of complainant's memorandum.....	184
After service of complainant's memorandum.....	158



	Number of cases
Pending on suspense calendar.....	1
In which complaints withdrawn.....	269
Dismissed for want of prosecution.....	22
In various stages short of submission.....	359
Under submission at end of period.....	159
Decided.....	1,955

In cases handled under the shortened procedure and decided during the year, the average elapsed time to reach a decision has been 452 days from date of receipt of complaint and 285 days from date of receipt of the final memorandum.

### HOCH-SMITH RESOLUTION

There have been completed or are in progress under Docket No. 17000, *Rate Structure Investigation*, instituted upon our own motion to carry out the mandate of the Hoch-Smith resolution, 14 separate inquiries covering class rates or important commodities or commodity groups. These parts and their present status are as follows:

*Part 1, revenues in western district.*—Subsequent to the issuance of our order in No. 17000, instituting a general investigation of the rate structure of the country, the principal rail carriers in the western district petitioned the commission for an increase in revenues, *Ex parte 87, Revenues in Western District*. Although *Ex parte 87* and No. 17000 were heard on one record, the evidence was directed largely to the former and the proceeding was treated as No. 17000, part 1. It was found that the showing of the existence of an emergency in that district did not warrant the blanket increases in freight rates sought by the carriers, and their petitions were accordingly denied July 14, 1926, *Revenues in Western District*, 113 I. C. C. 3. The record, however, was held open for further consideration in connection with No. 17000 and related proceedings.

*Part 2, western trunk-line class rates.*—Class rates and related matters pertaining to traffic moving within western trunk-line territory, and between that territory and all the country east of the Mississippi River and Lake Michigan, are in issue in this investigation. At the time of our last annual report the two examiners who heard the testimony were engaged in preparing a proposed report. Before its completion they conferred at Chicago with the commissioners of the railroad and public-utilities commissions of the western trunk-line States regarding their tentative recommendations. After consideration of the views there expressed, and modification of the report as presented to the conference, their proposed report, comprising 225 printed pages, was mailed to the parties on August 6, 1929. Exceptions to that report and replies to the exceptions were filed. Oral argument was heard by the commission and by representatives

of the State commissions on the six days from October 21 to 26, 1929. This investigation, together with the numerous formal complaints and fourth-section applications heard or consolidated therewith, are receiving consideration. Prior to our final determination and report we will again confer with the State commissions.

*Part 3, cotton.*—This proceeding was described in the last annual report. A proposed report will be served on the parties prior to November 30, 1929.

*Part 4, petroleum and petroleum products.*—Under Docket No. 18,458 we entered upon a general investigation into the interstate rates on petroleum and its products within the territory on and east of the Mississippi River and the Indiana-Illinois State line and from points without to points within that territory. No. 17,000, in so far as it relates to interstate rail rates on petroleum and its products coming within the scope of the investigation in No. 18,458, was heard jointly with No. 18,458. A proposed report was served, to which numerous exceptions were filed. Oral argument was had in May, 1929, and a final report is now being prepared.

So much of this proceeding as relates to the rates to destinations in the Mississippi Valley—that is, to destinations on and west of the line of the Mobile & Ohio—was assigned for further hearing with 17,000, part 4-A, the record disclosing that such rates were closely related to those in the Southwest. A new proposed report dealing with the rates to the Mississippi Valley is now being prepared.

*Part 4-A, petroleum and its products from, to, and between points in the Southwest.*—This part of No. 17000 has to do with the rates on refined petroleum products within the Southwest, namely, southern Missouri, Kansas, Oklahoma, Arkansas, Texas, and western Louisiana. It is being handled in cooperation with the respective State commissions. Hearings were held at Dallas, Tex., Tulsa, Okla., Kansas City, Mo., Hot Springs, Ark., New Orleans, La., and Washington, D. C. They were held at various times commencing with January 28, and ending with September 4, 1929, lasting about 30 days in all. The record comprises about 4,200 pages of testimony and about 550 exhibits. Briefs were due on November 1, 1929, and the examiners expect to get out their proposed report before the close of the present calendar year.

*Part 5, furniture.*—As outlined in our next preceding annual report, part 5, together with No. 18323, *Investigation of Rates on Furniture*, which is equally broad in scope, and certain complaints of more or less general concern, embrace classification, rates, regulations, and other factors entering into the interstate transportation of household, office, store, and other furniture, made of wood, reed or fiber, and metal, in carloads and less than carloads, between all points in the United States.

Hearings which commenced in May, 1928, and ended in February, 1929, were had at Chicago, Ill., Seattle, Wash., San Francisco and Los Angeles, Calif., Kansas City, Mo., Atlanta, Ga., New York, N. Y., and Washington, D. C., and a full record has been developed. Elaborate initial briefs were filed at the end of June, 1929, reply briefs were filed the middle of September, 1929, and the proceeding stands submitted for preparation and service of the presiding examiner's proposed report.

*Part 6, iron and steel investigation.*—Decided June 3, 1929, and reported in 155 I. C. C. at page 517. The order therein was to become effective on or before October 20, 1929, upon statutory notice, but upon petition of the respondent carriers the order subsequently was postponed to December 20, 1929. Petitions for reargument, reconsideration, and/or rehearing have since been filed by the respondents and by various other parties to the case. All of the petitions were denied November 4, except with respect to—

(a) Reconsideration of finding in regard to the application of alternative rates on bars, plates, and shapes, subject to a carload minimum of 80,000 pounds; and

(b) Reopening for hearing of fourth-section applications listed in fourth-section order No. 10090.

*Part 7, grain and grain products.*—At pages 69 and 70 of our forty-first annual report, and at page 66 of our forty-second annual report, it was shown that this is an inquiry into all of the rates, regulations, and practices affecting the transportation of grain and grain products within the western district, in Illinois, and for export; that approximately 55,000 pages of record and 2,106 exhibits were submitted during the 46 weeks of hearings intermittently held at Dallas, Wichita, Chicago, Minneapolis, Seattle, Portland, and Los Angeles between May 9, 1927, and September 22, 1928; and that initial and reply briefs were due December 31, 1928, and February 15, 1929, respectively. Briefs totaling approximately 12,000 pages were submitted on the dates mentioned. The examiners' proposed report was served April 23, 1929. Exceptions aggregating about 1,500 pages were filed May 20, 1929. Oral argument consisting of 2,412 pages was had between May 27 and June 15, 1929. Rebuttal memoranda totaling 376 pages were filed June 28, 1929. Final report is now in course of preparation.

*Part 7-A, grain and grain products, southern territory rates.*—This inquiry is described at page 66 of our last annual report as being one instituted upon our own motion into the rates on grain and grain products within southern territory, and from the western district and central territory to destinations in southern territory. The close relation of these rates to the rates within the western



district, now under investigation in part 7, is there referred to. The consideration now being given to the record in part 7 makes increasingly evident the close relation of the rates in the two proceedings and the inadvisability of scheduling hearings in part 7-A in advance of the conclusions to be reached in part 7. Hearings in part 7-A will be scheduled as soon as practicable.

*Part 8, cottonseed, its products, and related articles.*—This proceeding is a country-wide investigation of the rates on cottonseed, cotton linters, and cottonseed-hull fiber or shavings, but not cotton; cottonseed meal, cake, and hulls, and other vegetable meals and cakes used for feed, including copra, peanut, palm, palm-kernel, soya-bean, and flaxseed meal and cake, but not flaxseed or other grain and grain products; cottonseed and other vegetable oils and oil foots, including coconut, peanut, palm, palm-kernel, soya-bean, and linseed oils and foots, also corn oil, olive-oil foots, and fish, whale, and sea-animal oils and foots, but not cooking oils or lard substitutes; and inedible greases, tallow, and soap stock. It embraces 68 formal complaints and investigation and suspension proceedings and numerous fourth-section applications. Hearings were held in New York City, Minneapolis, St. Louis, Los Angeles, Fort Worth, San Antonio, Houston, Dallas, Chicago, New Orleans, Atlanta, Memphis, Little Rock, and Biloxi. State commissions participated in the hearings. The record comprises 17,805 pages of testimony and 2,317 exhibits. The initial briefs total 5,206 pages and the reply briefs 671 pages. The two examiners who conducted the investigation are now engaged in writing their proposed report.

*Part 9, livestock.*—The scope of this part of the general investigation was indicated in our last report. The examiners' proposed reports covering the rates throughout the South, and in the territory west of Chicago and the Mississippi River, were served in February, 1929, and May, 1929, respectively. Exceptions to those reports were filed. The proceedings have been separately argued, and are now awaiting final decision.

*Part 10, hay.*—As stated on page 68 of our last report, an inquiry into the transportation of hay within the western district had been instituted. Hearings in this part, which were in cooperation with the commissioners of the railroad or public utilities commissions of the 25 States included in the western district, have been concluded. Date for filing of briefs has been set for November 15.

*Part 11, sand and gravel.*—The commission, on June 3, 1929, rendered its decision in this part of No. 17000 in so far as it relates to the interstate rates on sand, gravel, crushed stone, shells, and related commodities taking the same rates, in carloads, between points in

Arkansas, Oklahoma, Texas, and Louisiana west of the Mississippi River, and also including both banks of the Mississippi River bordering on Louisiana and Arkansas. As the result of this decision a uniform basis of interstate rates was prescribed on these commodities for application throughout the territory above indicated. This basis became effective October 17, 1929.

The intrastate rates on these commodities within the four States above named were also involved, and upon our invitation the State commission of each of those States participated in the proceedings and was represented at the hearings and argument. The result was that the State commission of each of the States of Arkansas, Oklahoma, and Texas rendered a decision prescribing the same basis of rates on this traffic for intrastate application as we had prescribed for interstate application. However, as the result of the failure of the Louisiana Public Service Commission to approve the said basis of rates for intrastate application within western Louisiana, we were compelled to enter an order requiring such intrastate application in order to remove the undue prejudice against interstate shippers and unjust discrimination against interstate commerce that would have resulted had the then existing level of intrastate rates on this traffic within western Louisiana been permitted to continue in effect.

*Part 12, nonferrous metals.*—On January 12, 1929, we announced the institution of a general investigation of the freight rates on zinc (spelter). As a result of suggestions received from interested parties, the scope of this investigation as originally contemplated was broadened to include the rates on copper and lead, including the ores, concentrates, by-products, and secondary metals; the rates on brass or bronze, bars, borings, turnings, etc.; the rates on antimony; and the rates on block tin, etc., but not tin plate. This investigation has been made a part of our general rate-structure investigation, docket 17000, undertaken pursuant to the Hoch-Smith resolution, and has been designated as part 12 thereof under the title nonferrous metals. The general notices issued to all concerned specify in detail the commodities included under each of the metals named. These are articles or products derived from the smelting and refining processes. Their inclusion is necessary because they enter into competition with articles originally embraced in the investigation and are transported upon essentially the same basis of rates.

The first hearing will be held in Chicago on December 11, 1929, after which other hearings will be held throughout the country at various points later to be named.

## INVESTIGATIONS

Reports have been made and published in the following investigations, instituted on our motion:

In the matter of divisions of freight rates in western and mountain-Pacific territories. 148 I. C. C. 457; 156 I. C. C. 94.

In the matter of the use of private passenger-train cars. 155 I. C. C. 775.

In re refrigeration charges on fruits, vegetables, berries, and melons from the South. 151 I. C. C. 649.

Transportation of strawberries in carload lots from Florida, Georgia, Alabama, North Carolina, South Carolina, and Virginia points in official classification territory. 151 I. C. C. 553; 156 I. C. C. 4.

Transfer of freight within St. Louis and East St. Louis by dray and truck for and on behalf of railroads. 155 I. C. C. 129.

Constructive and off-track railroad freight stations on Manhattan Island, N. Y., 156 I. C. C. 205.

Interstate rates on cement, in carloads, for all hauls of 80 miles and less within the territory bounded by the following lines: The international boundary between the United States and Canada on the north, the Buffalo-Pittsburgh line, the Ohio River and the Mississippi River south of Cairo, Ill., on the east, the Ohio River, Gulf of Mexico, and the international boundary between the United States and Mexico on the south, and the western boundary of that portion of Texas, Colorado, Wyoming, and Montana in which the so-called 8182 basis of cement rates or rates related thereto, now applies, on the west. 152 I. C. C. 669.

Accounting for rebuilding freight cars by Chesapeake & Ohio Railway. 153 I. C. C. 9.

Charges of common carriers subject to the interstate commerce act for wharfage, handling, storage, and other accessorial services at South Atlantic and Gulf ports.

Other investigations are pending, some of the more important of which are:

Rates on bituminous coal from points in Illinois to East St. Louis, Ill., switching district.

In re general revision of accounting rules of steam railroads.

Concerning the classes of depreciable property of telephone companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Concerning the classes of depreciable property of steam railroad companies and the related percentages of depreciation which, under



section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Concerning the classes of depreciable property of carriers by water and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Concerning the classes of depreciable property of electric railway companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Concerning the classes of depreciable property of carriers by pipe line and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Concerning the classes of depreciable property of sleeping-car companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Concerning the classes of depreciable property of express companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Revenues in western district and rate structure investigation (Hoch-Smith resolution). For a more detailed statement of these investigations see chapter entitled "Hoch-Smith Resolution."

Consolidation of the railway properties in the United States into a limited number of systems.

Switching facilities, practices, regulations, rates, and charges at Seattle, Wash.

Interstate class rates within official classification territory.

Rates on petroleum and petroleum products within the territory on and east of the Mississippi River, south of the Ohio River, and east of the Indiana-Illinois State line, and from points without to points within said territory.

Interstate rates on petroleum products to points in Colorado and Utah.

In re refrigeration charges on fruits, vegetables, berries, and melons from the West.

Rates on salt from producing points in the States of Louisiana, Ohio, Michigan, Kansas, West Virginia, New York, and Chicago, Ill., to points in southern territory and between points in southern territory.

Rates on newsprint paper, import and domestic, to points in official and southern classification territories.

Lawfulness of the rates, charges, rules, regulations, and practices of common carriers by railroad subject to the interstate commerce incident to the use of car container equipment.

Lawfulness of the tariffs of the Warrior River Terminal Co. naming rates for application upon traffic moving to and from industries and connections with other carriers, from and to its terminal at Birmingham, Ala., when such traffic is moved by the barges of the Inland Waterways Corporation, operating the Mississippi Warrior Service, and into the lawfulness of tariffs of the Inland Waterways Corporation providing for the absorption of said rates.

Interstate rates between points in Missouri.

Sand, gravel, and crushed stone from Indiana and Illinois points to destinations in Illinois.

Lawfulness of the carload, less-than-carload, and any-quantity rates and ratings, and the carload minimum weights, maintained by common carriers subject to the provisions of the interstate commerce act, and parties to the official, southern, and western classifications, applicable to the interstate transportation of metal containers.

Propriety and lawfulness of the methods and practices employed by common carriers by railroad, subject to the interstate commerce, in purchasing equipment, materials, supplies, or other commodities or articles, with particular reference to the extent, if any, to which such purchases from any manufacturer, producer, or dealer is dependent upon or influenced by the routing of traffic controlled directly or indirectly by such concern via the line or lines of the purchasing carrier.

Lawfulness of charging by railroads of extra fares on passenger trains in addition to the regular passenger and Pullman fares and surcharges.

Rules for car-hire settlement.

Rates on furniture.

Switching rates in Chicago switching district.

#### INTRASTATE RATE CASES

Reports have been made and published in the following proceedings instituted by us under section 13 of the act:

In the matter of—

Intrastate rates within the State of Illinois. 146 I. C. C. 127.

Rates on powder and high explosives, in carloads, within the State of Arizona. 151 I. C. C. 155; 155 I. C. C. 479.

Rates on iron and steel articles, in carloads, within the State of Ohio. 155 I. C. C. 517.

Rates on common brick between points within the State of North Carolina. 155 I. C. C. 730.

Rates on common brick between points within the State of Georgia. 155 I. C. C. 730.

Rates on common brick between points within the State of Alabama. 155 I. C. C. 730.

Rates on sulphuric acid from Natrona to Brakenridge, Pa. 148 I. C. C. 403.

Rates on fertilizer materials and articles taking the same rates within the State of Florida. 151 I. C. C. 602.

No reports have been made during the year in the following investigations under that section:

In the matter of—

Rates on chert, clay, sand, and gravel within the State of Georgia.

Rates for berths, drawing-rooms, compartments, and seats in sleeping and parlor cars of the Pullman Co. in the State of Louisiana.

Intrastate class rates in the State of Mississippi.

Intrastate rates on bituminous coal within the State of Indiana.

Intrastate class rates within the State of South Dakota.

Rates on bituminous coal from points in Missouri to Kansas City and St. Joseph, Mo.

Rates on fertilizers and fertilizer materials within the State of Virginia.

Intrastate rates within the State of Louisiana.

Rates on sand, gravel, crushed stone, and chert within the State of South Carolina.

Rates on fresh meats and packing-house products, in carloads, within the State of Iowa.

In the matter of rates, fares, and charges of the Wheeling Traction Co. within the State of Ohio.

#### RAILWAY-MAIL PAY

The reexaminations of railway-mail pay rates pending at the date of our last report have been completed. These dealt with the rates of pay upon the Denver & Salt Lake Railway and on certain short lines in intermountain and Pacific coast territory. The rates of pay on the former were found not fair and reasonable and higher rates were established; no change was made in the rates of pay on the latter roads other than to establish rates of pay for additional units of space. *Railway-Mail Pay*, 151 I. C. C. 734.

There are now pending only applications filed by three short lines for reclassification as separately operated short-line railroads.

The United States Supreme Court held, in the case pending at the time of our last report, that railroads transporting the mails are entitled to receive increased compensation, at rates established by



us, for services rendered by them in the period from the date they file with us applications for examination to the date of our report thereon finding the rates in effect not fair and reasonable and prescribing increased rates for such period and for the future. *United States v. New York Central R. Co. Lessee*, 279 U. S. 73.

### BOARDS OF REFEREES

These boards, created to hear and determine cases brought under the provisions of section 3 of the Federal control act, have been constituted from our staff of employees.

Two cases are pending awaiting disposition of proceedings in the courts. Eleven cases were dismissed of which some were without prejudice to the claimants.

No boards were appointed during the year.

### APPLICATIONS UNDER THE DENISON ACT

In the current year we have issued two certificates of public convenience and necessity to water carriers on the Mississippi and Warrior Rivers and tributaries thereof under the provisions of section 3 (e) of the Inland Waterways Corporation act, as amended by the so-called Denison Act of May 29, 1928. The first of these was granted to the Inland Waterways Corporation, operating the Federal barge line between Minneapolis-St. Paul, Minn., and New Orleans, La., on the Mississippi River and between New Orleans and Birmingham, Ala., on the Warrior River and connecting waterways. The certificate was accompanied by an order, requiring connecting rail lines to enter into joint rates on class and commodity traffic over through barge-rail and rail-barge-rail rates between a large number of points subject to certain circuitry limitations. *Through Routes and Joint Rates*, 153 I. C. C. 129; 156 I. C. C. 141. The second certificate was issued to the Ohio & Mississippi Transit Co., a privately owned barge line operating on the Mississippi, Ohio, and Green Rivers, with which connecting rail lines were directed to enter into joint rates and through barge-rail routes on coal from mines on the Green River in Kentucky to Chicago, Ill., and other destinations. *Through Routes and Joint Rates*, 156 I. C. C. 724. These certificates were granted without holding public hearings thereon, in accordance with the general principles announced in *Procedure Under Barge Line Act*, 148 I. C. C. 129. An application under this act, docketed as Ex Parte No. 99, filed by the Mississippi Valley Barge Line Co., is now pending. This applicant plans to operate a barge line on the Ohio and Mississippi Rivers between Cincinnati, Ohio, and New Orleans, La.

## ESTABLISHMENT OF THROUGH ROUTES

In another part of this report the recent decision of the Supreme Court in *United States v. Missouri Pacific*, 278 U. S. 269, is summarized. Briefly, it was decided that in connection with the establishment of through routes section 15 (4) prohibits us from requiring any carrier by railroad to join in an all-rail through route which does not embrace its long haul unless the inclusion of its long haul would render the route unreasonably long. Our interpretation of the paragraph had theretofore been that it was intended to protect the long hauls only of originating carriers, or of subsequent carriers after obtaining possession of the traffic. The main reason for this interpretation, which has now proved to be erroneous, was that it was necessary to give reasonable effect to the statute, for there are innumerable instances of overlapping lines where the conflicting long-haul interests of participating carriers would, in default of such an interpretation, prevent us from establishing any through route. The meaning and effect of the Supreme Court's decision were discussed at length in *Stickell & Sons v. Western M. Ry. Co.*, 153 I. C. C. 759.

Because of this situation, which is likely to result in substantial nullification in many instances of a statutory provision of great importance to shippers, and sometimes to carriers as well, we recommend that paragraph (4) of section 15 be amended so as to restrict the "long-haul right" to originating carriers.

## HOLDING COMPANIES

In our last annual report we called attention to the acquisition by individuals or groups of individuals of control of railroads. We stated that this might seriously affect the maintenance of competition among carriers. Corporations organized as trading, investment, or holding companies appear also to be active in acquiring control of or substantial interests in various carriers. It seems clear that the acquisition of control or of an amount of stock sufficient to influence the policies of competing railroads, either by individuals or by other noncarrier corporations, may result in the suppression of competition in a manner no less harmful than if such control be exercised directly by one carrier over another.

Section 5 of the interstate commerce act directs the commission to prepare and adopt a plan for the consolidation of the railroad properties of the continental United States into a limited number of systems which shall conform as closely as practicable to certain broad specifications which the Congress has laid down. After such plan has been adopted, the section provides that it shall be lawful for two or more carriers to "consolidate their properties, or any part thereof,

into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership, management, and operation," under certain conditions. One of these conditions is that the proposed consolidation must be in harmony with and in furtherance of the adopted plan, and another is that the commission shall find that the public interest will be promoted thereby. In another part of the same section it is provided that whenever the commission is of opinion that the acquisition by one carrier of the control of another or others in any manner not involving consolidation will be in the public interest, it shall have authority by order to approve and authorize such acquisition. The above is a statement of some of the salient features of this legislation. The essential point is that in this section of the interstate commerce act the Congress manifested a clear intent to subject the unification of carriers by railroad, one with another, to the orderly processes of a carefully planned scheme of public regulation.

There are, however, means whereby unification of carriers can be brought about without consolidation into one corporation for ownership, management, and operation and without, strictly speaking, the acquisition of control of one carrier by another. To illustrate this, it developed in *Stock of Denver & Rio Grande Western R. R.*, 70 I. C. C. 102, that the Western Pacific Railroad Corporation, a holding company which owned all of the stock of the Western Pacific Railroad Co., an operating carrier, was proposing to acquire all of the stock of the Denver & Rio Grande Western Railroad Co., another operating carrier, thus unifying these two carriers as effectually under common control as if one had directly acquired the stock of the other. We found, however, that the "proposed acquisition of applicant's stock by the holding company does not constitute a consolidation of the property of two or more carriers by railroad subject to the act into one corporation for the ownership, management, and operation of properties theretofore in separate ownership, management, and operation within the meaning of paragraph (6) of section 5 of the act." And we further found that "inasmuch as the holding company is not a carrier engaged in the transportation of passengers or property subject to the act, the acquisition of control of the applicant by the holding company is not within the scope of paragraph (2) of section 5."

These, however, were carriers whose lines joined end to end and were in no sense parallel or competing lines. If competition had existed, the unification would probably have been subject to the prohibition of section 7 of the Clayton Antitrust Act, the first two paragraphs of which read as follows:

That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another



corporation engaged also in commerce, where the effect of such acquisition may be to substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce.

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition, or the use of such stock by the voting or granting of proxies or otherwise may be to substantially lessen competition between such corporations, or any of them, whose stock or other share capital is so acquired, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce.

Clearly the second paragraph above quoted is designed to prevent a corporation which is wholly or in part a holding company from acquiring stock of two or more corporations engaged in commerce, including railroad companies, where the effect of such acquisition may be, among other things, to substantially lessen their competition with each other. Clearly, also, the first paragraph, because of the words "directly or indirectly," would cover the indirect acquisition by one railroad company of the stock of another through one or more subsidiary corporations.

But a further means of unifying carriers through common control or affiliation has been developed which, in our opinion, merits most serious attention. This method also utilizes the mechanism of holding companies, but in a somewhat different way. It may be illustrated by relating our understanding as to the facts with respect to two important holding companies which have recently been created. One of these is the Alleghany Corporation and the other is the Pennroad Co. Whether or not our understanding as to the facts is in all respects correct we are unable to say, since we have no direct jurisdiction over either of these companies, but it will serve sufficiently well for purposes of illustration.

Both of these companies, as we understand the situation, are purely holding companies. That is to say, the property which they own is not physical property but consists solely of the stocks or securities of other companies. The Alleghany Corporation now owns various stocks of railroad companies. It is not controlled by any railroad company but is controlled, through a combination of direct and indirect means, by certain interests which control through similar means the New York, Chicago & St. Louis, the Erie, the Pere Marquette, and the Chesapeake & Ohio railroad companies. The Pennroad Co. also owns various stocks of railroad companies. It is not controlled by any railroad company as such, but its stock is held under a voting trust agreement, continuing until May 1, 1939, and the voting trustees are the president and two other directors of the Pennsylvania Railroad Co.

If these facts are correct, the Alleghany Corporation can, by acquiring a controlling interest in the stock of a railroad company, bring it under common control with the railroad companies above mentioned which are controlled by the same interests as control the Alleghany Corporation, but without itself holding control of or being controlled by any one of these railroad companies as such. In a similar manner the Pennroad Co., by acquiring stock control of a railroad company, can bring it under common control with the Pennsylvania Railroad without itself controlling or being controlled by the latter carrier as such. In other words, common control can be effected in both instances by a chain, one vital link in which is made up of the control exercised, directly or indirectly, over two or more corporations by individuals. The process may, of course, be facilitated by reducing the control of the holding company or of one or all of the carriers involved to a relatively small if not insignificant financial interest through various devices, such as limitation of the voting power of certain classes of stocks, the superimposing or pyramiding of one holding company on top of another, and the like.

Where parallel or competing carriers are involved we are not prepared to say that a process of virtual unification so brought about is not amenable to the provisions of section 7 of the Clayton Antitrust Act. These provisions are couched in very broad language, and it will eventually be for the courts to determine how inclusive and effectual they are. Where no competition is involved, however, it is obvious that if our decision in *Stock of Denver & Rio Grande Western R. R.*, *supra*, was right, such unifications may be brought about without authority from or regulation of this commission. Certainly if common control of two railroad companies by a single holding company is neither a consolidation under section 5 (6) of the interstate commerce act nor an acquisition of control under section 5 (2), as we found in that case, the same conclusion may be reached as to common control brought about by utilizing a holding company in combination with powers of control possessed by certain individuals. Plainly, also, if this be the situation, the subjection of the unification of carriers by railroad to the orderly processes of a carefully planned scheme of public regulation, which section 5 was designed to accomplish, is very likely to be partially or even wholly defeated, subject to the possibility that the Clayton Antitrust Act may in some measure, after protracted litigation, enable control over the situation to be maintained.

We call this matter to the attention of the Congress because we believe that it deserves thorough investigation and serious consideration. What the appropriate remedy may be we do not undertake for the present to say. Difficult legal, and perhaps constitutional,

questions are involved, and to some extent the remedy must be shaped by the facts which thorough investigation may disclose. Attempts to regulate somewhat similar situations have been made in some of the States. For example, we understand that the New York Public Service Commission act, chapter 48 of the Consolidated Laws of New York, section 70, provides as follows:

Save where stock shall be transferred or held for the purpose of collateral security only with the consent of the Commission empowered by this chapter to give such consent, no stock corporation of any description, domestic or foreign, other than a gas corporation or electrical corporation or street railroad corporation, shall purchase or acquire, take or hold, more than 10 per centum of the total capital stock issued by any gas corporation or electric corporation organized or existing under or by virtue of the laws of this State . . .

But such acquisitions are made valid if approved by the Public Service Commission. Identical or similar provisions exist in other States. Other possible means of meeting the situation might be suggested. For the present, however, we are not prepared to go further than to call this problem, together with its evident dangers, to the attention of the Congress accompanied by an expression of our conviction that it merits thorough consideration.

#### RESCISSION OF CONFERENCE RULINGS

Shortly after the enactment of the Hepburn Act of 1906, we gathered and issued as "conference rulings" our rulings in conference, which had been announced informally through the public press, later edited and issued in pamphlet form, for the information of shippers, carriers, and others interested in transportation matters. It was stated that "These rulings express the views of the commission on informal inquiries involving special facts or requiring an interpretation and construction of the law, and are to be regarded as precedents governing similar cases. \* \* \* In the light of a wider knowledge of the subjects involved some of the rulings have been withdrawn, while others have been modified and restated in later rulings \* \* \*."

In later years the number of conference rulings became much smaller than in the early years first following the Hepburn Act. Many of the rulings were superseded by others; many lost their point because of subsequent changes in the act; others were covered by formal decisions of the commission, or were qualified or overruled by later formal decisions. With a large mass of reported decisions to draw upon, the conference rulings, although previously widely cited and relied upon, ceased to be useful or even safe guides. They were, December 28, 1928, rescinded in their entirety.



# RECOVERY OF EXCESS NET RAILWAY OPERATING INCOME, GENERAL RAILROAD CONTINGENT FUND

*Returns of carriers.*—On January 18, 1929, we issued a general order requiring all carriers subject to section 15a of the act to report the amount of recapturable excess income for the year 1928. In response to this and similar orders covering prior years carriers have filed reports showing the following results with respect to excess net railway operating income subject to the recapture clause of the section:

Period	Number of reports	Number of reports in which excess income is reported	Total amount of excess income reported
Applicable period, 1920.....	993	34	\$2,505,006.17
Calendar year:			
1921.....	975	27	458,535.72
1922.....	931	50	1,865,824.63
1923.....	899	52	6,879,733.16
1924.....	898	23	1,190,155.18
1925.....	890	24	2,318,980.95
1926.....	877	15	1,033,075.04
1927.....	863	9	173,556.32
1928.....	810	14	1,003,619.26
Total excess.....			17,428,486.43

Many of the reports filed include groups of carriers claimed by respondents to have been under common control and management and operated as single systems within the provisions of paragraph (6) of section 15a. The question of grouping into systems is under consideration and it is anticipated that definite principles will be established when a decision has been reached in cases now pending.

*Applicability to electric railways.*—In our last report we stated that 198 electric railways claimed exemption from the provisions of section 15a. This was based on information in questionnaires received in response to our order of May 5, 1924, Application of section 15a interstate commerce act to electric railways. Returns to our similar order of February 23, 1929, indicate that 147 electric railways either claim exemption or express doubt as to their status under this section. Further proceedings will be instituted as may be necessary in individual cases supplementing or applying the principles announced in *Application of Section 15a to Electric Rys.*, 86 I. C. C. 751.

*Valuations.*—We again call attention to the fact that the excess income reported has not been computed upon values fixed by us. Under our orders carriers have been permitted to compute their claimed values upon such basis as they deem proper. Under this

procedure many different bases have been used. When values shall have been fixed by us the number of carriers found to have earned excess income and the amount thereof may differ from the results shown in carriers' reports.

As in prior years the Bureau of Valuation has been occupied in concluding the primary valuation of steam railroads as well as in checking the carriers' reports of additions, betterments, and retirements, in collecting and analyzing data covering the cost of railroad material and construction since 1914 and to some extent in investigating the changes in land values since the dates of primary valuation.

*Income examinations.*—Our Bureau of Accounts has, since 1924, been actively engaged in making examinations on steam roads which were believed to be in the prospective recapture class for the purpose of determining the correct net railway operating income. During the current year 595 such examinations were made, bringing the total number thus far made for all recapture periods from 1920 to 1928, inclusive, to 3,133. Net railway operating income has been finally reported by the bureau in 1,900 cases, in which carriers' figures have been increased an aggregate of \$22,002,796.60 in 1,099 cases and reduced \$6,672,453.25 in 553 cases. In 248 no change resulted from our examinations. There are 1,059 cases in which final reports have not been made, but in which there have been tentative determinations. In 671 of these an increase of \$91,797,235.80 is indicated, and in 343, a decrease of \$58,714,606.55. In 45 cases no change occurs in carriers' figures. Combining the final reports with the tentative determinations of net railway operating income, our accounting examinations result in increasing net railway operating income in 1,770 cases by \$113,800,032.40 and in decreasing it in 896 cases by \$65,387,059.80, a total net increase of \$48,412,972.60. The reports of 174 recently completed examinations have not been transmitted to us from our field offices and are not included in the foregoing figures.

*Payments into fund.*—During the year 10 carriers paid to us the total sum of \$599,920.12 as one-half of their excess income preliminarily computed by them for the several recapture periods. Added to the \$8,007,208.39 paid prior to November 1, 1928, this sum makes the total of such payments \$8,607,128.51. As stated in our previous reports, the bulk of these payments has been made under formal protests and reservations. Consequently the general railroad contingent fund, created by paragraphs (6) and (10) of the section, which is composed in part of such payments, has not been available for the purposes contemplated by the statute.

Contingent fund moneys continue to be held in the Treasury of the United States as a trust fund for investment in obligations of the United States. The present status of the fund is as follows:

Payments by carriers of excess income.....	\$8,607,128.51
Payments by carriers of interest on overdue payments.....	38,840.37
Interest from investments in obligations of the United States....	1,550,131.81

Total credits to the general railroad contingent fund....	10,196,100.69
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In addition to the foregoing payments, there have been pledged under funding agreements, \$1,200,000 of railroad securities, \$250,000 of industrial bonds, and \$29,300 in cash, held by the Treasurer of the United States and other authorized depositories for safe-keeping subject to our order, as part security for estimated excess earnings.

The following obligations of the United States are held for account of the fund:

United States Treasury 4 per cent bonds of 1944-1954.....	\$3,630,000
United States 4¼ per cent fourth Liberty loan bonds of 1933-1938..	6,365,700

Total face amount .....	9,995,700
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A list of carriers which made payments to us during the year on account of excess net railway operating income, showing the amounts paid by each, will be found in Appendix F.

*Present status of recapture work.*—It will be seen from the foregoing description that a great deal has been done toward the final determination of the two ultimate factors—property value and correct net railway operating income—which are determinative of the amount of excess net railway operating income payable into the contingent fund. But, as explained in our previous reports, our efforts in the final stages of this work looking toward the actual recovery of the amounts due have heretofore been very largely curtailed due to litigation. First came the challenge directed to the constitutionality of the statute in *Dayton-Goose Creek R. R. Co. v. United States*, 263 U. S. 456, decided January 7, 1924, and then the effort of the carrier to enjoin our first recapture order requiring a payment to the fund in *Excess Income of St. Louis & O'Fallon Railway Company, et al.*, 124 I. C. C. 3, decided February 15, 1927. Our order in the latter case was attacked on several grounds, the two principal ones relating to the valuation of the property of the St. Louis & O'Fallon and to our determination that this road was not operated with the Manufacturers' Railway Company as a single system within the purview of section 15a. The district court, in *St. Louis & O'Fallon Ry. Co. v. United States*, 22 Fed. (2d) 980, sustained our order, except as to its provision for interest from the 1st of May following each recapture year, the court finding that



interest was due only from the effective date of our final order reducing the amount due to a liquidated sum. On appeal to the Supreme Court of the United States the decision of the lower court was reversed, the court, in an opinion rendered May 20, 1929, holding that we had erred in failing to give consideration to the cost of reproduction of the O'Fallon property as of the several recapture periods. At the same time the court upheld our determination that the carrier was engaged in independent rather than system operation, but agreed with the lower court that we had erred in the computation of interest. Further reference to this decision is contained in the chapter on the Bureau of Law.

In the recapture periods 1920-1928 our preliminary computations, made following the method of valuation outlined in our decision in the *St. Louis & O'Fallon* case as closely as the somewhat limited data at hand permitted, showed 416 roads indebted to the contingent fund for one or more years. Out of this number hearings were held or partly held in the interval between the Dayton-Goose Creek and *St. Louis & O'Fallon* proceedings in 36 cases, which for the most part involved small or comparatively small roads.

The amount due from the carriers, according to preliminary computations made in the manner outlined above, is approximately \$300,000,000 for the years 1920-1928. As a result of the Supreme Court's decision in the *St. Louis & O'Fallon* case, this estimate must be changed. It is estimated that under the present system of quasi-judicial hearing procedure a minimum of six years would be required to dispose of the present arrearage, and even at the end of that period the work would hardly be current, owing to accumulations during the interval.

We have created a recapture board of four members drawn from the staff of as many different bureaus with the duty of proceeding in the hearing of recapture cases as expeditiously as circumstances permit.

#### CONSOLIDATION OF RAILROADS

Commencing with our annual report of 1925, and in each succeeding annual report to and including that of 1928, we have suggested an amendment to section 5 of the interstate commerce act, which would relieve the commission of the duty of formulating a plan for the consolidation of the railway properties of the continental United States into a limited number of systems. While hearings have been held by appropriate committees of both Houses of Congress and bills have been reported to the respective Houses, the Congress has not amended section 5 as suggested. We believe, under these circumstances, it was our duty to proceed to comply, as far as possible, with the mandate of the law.

Accordingly the commission now has the question actively before it. It is receiving our earnest consideration. Although it can not be stated definitely when we will be able to complete the task, the hope is entertained that a plan may be adopted and published soon after the convening of Congress in regular session.

### RECOMMENDATIONS

For the reasons stated in this report and in former reports we recommend:

(1) That section 1 of the interstate commerce act be amended to provide for the punishment of any person offering or giving to an employee of a carrier subject to the act any money or thing of value with intent to influence his action or decision with respect to car service, and to provide also for the punishment of the guilty employee.

(2) That, subject to appropriate exceptions, the use of steel or steel underframe cars in passenger-train service be required, and the use in passenger trains of wooden cars between or in front of steel or steel underframe cars be prohibited.

(3) That paragraphs (5) and (6) of section 15a of the interstate commerce act be clarified by amendment.

(4) That paragraph (f) of section 19a of the interstate commerce act be clarified by amendment.

(5) That section 19 of the merchant marine act, 1920, be amended so that its provisions will clearly not be applicable to the Interstate Commerce Commission; that section 27 of this act be reconsidered by the Congress in the light of our forty-first annual report; and that section 28 of this act be reconsidered by the Congress in the light of the circumstances set forth in the chapter on the effect of this statute appearing at pages 13 and 14 of our thirty-fifth annual report to the Congress. In this connection reference is made to our report dated June 29, 1922, to the chairman of the Committee on Interstate and Foreign Commerce on H. R. 12021, Sixty-seventh Congress, second session.

(6) By section 17 of the act as amended August 9, 1917, the commission was authorized to divide its members into divisions of not less than three members and to direct that any of its work, business, or functions arising under the law be assigned or referred to any division for action. The manner in which this power has been utilized has been fully described in previous reports. The continual growth in variety and volume of the work devolved upon the commission has made the performance of our duties less and less current. For the more prompt disposition of matters intrusted to us there should be express statutory authority for the commission to

delegate to individual commissioners and employees of the commission the power to perform specified duties and to consider and determine specified matters and subjects, subject to the general control and supervision of the commission, and the exercise by it of appropriate powers of review either through the commission or a division thereof.

(7) That the present exemption provisions of paragraph (22) of section 1, paragraph (1) of section 15a, and paragraph (1) of section 20a, applicable to electric railways, be amended by substituting provisions exempting all electric railways except such as interchange standard freight equipment with steam railways and participate in through interstate freight rates with such carriers; provision to be made for exemption of particular electric railways falling within the excepted class, if upon application they are able to show to the satisfaction of the commission, after notice and opportunity to be heard, that they are not affected with an important national interest so far as the provisions in question are concerned.

(8) That unless sections 10 (1) and 20 (7) of the act are amended so as to make them apply specifically to independent contractors and their officers and agents those sections can not be successfully invoked by the Government against such persons for the violations referred to therein except in instances where collusion between those persons and the carrier can be shown.

(9) That in view of the fact that the acquisition of control or of an amount of stock sufficient to influence the policies of competing railroads, either by individuals or other noncarrier corporations, may result in the suppression of competition, consideration should now be given by the Congress to possible legislation.

(10) That paragraph (4) of section 15 be amended so as to restrict the "long-haul right" to originating carriers.

(11) The present provisions of section 15a relating to the making of loans from the contingent fund in effect make loans unavailable except possibly during times of financial stress. We recommend amendments to overcome these defects.

(12) In view of the practical situation resulting from the decision of the Supreme Court in the O'Fallon case and pursuant to recommendations made in successive previous reports regarding methods for bringing valuations to date we repeat these recommendations in the language of our report for 1923, as follows:

We direct serious consideration to the necessity of some amendment. Amendments have been suggested embodying different theories as to the proper method to be adopted, in substance as follows:

(1) An amendment providing that from and after completion of the valuation of the property of a carrier as of a fixed date, the commission shall, from time to time as it may have occasion to use the same, bring the valuation to



date by adding to or subtracting from its original basic valuation of the property the net property changes, measured in dollars and cents, that are properly chargeable to or deductible from property account.

(2) An amendment providing that, from and after completion of the valuation of the property of the carrier as of the designated valuation date, the commission shall from time to time, according as it may have occasion to use the value of the property in performance of duties imposed on it by the act, ascertain and determine the condition and value of property on subsequent dates, taking into account any changes in such condition or value which may have taken place subsequent to the last preceding valuation date, and giving due consideration to all the elements of value recognized by the law of the land.

### STATEMENT OF APPROPRIATIONS AND EXPENDITURES FOR THE FISCAL YEAR ENDED JUNE 30, 1929

An act making appropriations for the executive, etc.,  
approved Feb. 11, 1927:

For salaries of commissioners_____	\$132, 000. 00	
For salary of secretary_____	7, 500. 00	
Second deficiency act, fiscal year 1929_____	1, 500. 00	
		<u>\$141, 000. 00</u>

For all other authorized expenditures necessary in  
the execution of laws to regulate commerce, in-  
cluding 1 chief counsel, 1 director of finance, and  
1 director of traffic, at \$10,000 each per annum:

General_____	2, 564, 500. 00	
Second deficiency act, fiscal year 1929_____	152, 390. 00	
		<u>2, 716, 890. 00</u>

To enable the Interstate Commerce Commission to  
enforce compliance with section 20 and other sec-  
tions of the act to regulate commerce as amended  
by the act approved June 29, 1906, and as amended  
by the transportation act, 1920, including the em-  
ployment of necessary special accounting agents  
or examiners:

Accounts _____	1, 327, 745. 00	
Second deficiency act, fiscal year 1929_____	63, 920. 00	
		<u>1, 391, 665. 00</u>

To enable the Interstate Commerce Commission to  
keep informed regarding and to enforce com-  
pliance with acts to promote the safety of em-  
ployees and travelers upon railroads; the act  
requiring common carriers to make reports of  
accidents and authorizing investigations thereof;  
and to enable the Interstate Commerce Commis-  
sion to investigate and test appliances intended  
to promote the safety of railway operation, as  
authorized by the joint resolution approved June  
30, 1906, and the provision of the sundry civil  
act approved May 27, 1908, to investigate, test  
experimentally, and report on the use and need  
of any appliances or systems intended to promote  
the safety of railway operation, including the  
employment of a chief inspector at \$6,000 per

annum, and 2 assistant chief inspectors at \$5,000 each per annum, and such other inspectors as may be necessary:

Safety-----	\$515, 824. 00
Second deficiency act, fiscal year 1929-----	17, 860. 00

\$533, 684. 00

For all authorized expenditures under section 26 of the act to regulate commerce as amended by the transportation act, 1920, with respect to the provision thereof under which carriers by railroad subject to the act may be required to install automatic train-stop or train-control devices which comply with specifications and requirements prescribed by the commission, including investigations and tests pertaining to block-signal and train-control systems, as authorized by the joint resolution approved June 30, 1906, and including the employment of the necessary engineers:

Signals and train-control devices-----	148, 320. 00
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148, 320. 00

For all authorized expenditures under the provisions of the act of Feb. 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," as amended by the act of Mar. 4, 1915, extending "the same powers and duties with respect to all parts and appurtenances of the locomotive and tender," and amendment of June 7, 1924, providing for the appointment from time to time by the Interstate Commerce Commission of not more than 15 inspectors in addition to the number authorized in the first paragraph of section 4 of the act of 1911, including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his 2 assistants may require:

Locomotive inspection-----	\$493, 856. 00
Second deficiency act, fiscal year 1929-----	16, 540. 00

510, 396. 00

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved Feb. 4, 1887, and all acts amendatory thereof," by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities, approved Mar. 1, 1913, including 1 director of valuation at \$10,000 per annum, 1 supervisor of land appraisals, 1 supervising engineer, and 1 supervisor of accounts, at \$9,000 each per annum, and 1 principal valuation examiner at \$7,500 per annum:

Valuation-----	2, 200, 000. 00
Second deficiency act, fiscal year 1929-----	136, 670. 00

2, 336, 670. 00

For all printing and binding for the Interstate Commerce Commission, including reports in all cases proposing general changes in transportation rates and not to exceed \$10,000 to print and furnish to the States at cost report form blanks, and the receipts from such reports and blanks shall be credited to this appropriation: *Provided*, That no part of this sum shall be expended for printing the Schedule of Sailings required by section 25 of the interstate commerce act:

Printing and binding-----	\$265, 000. 00
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Total-----	8, 043, 625. 00
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Amount expended under appropriations for the fiscal year ended June 30, 1929:

As salaries for commissioners and secretary---	\$141, 000. 00
General-----	2, 715, 928. 09
Accounts-----	1, 391, 303. 59
Safety-----	508, 183. 07
Signals and train-control devices-----	64, 880. 69
Locomotive inspection-----	486, 370. 41
Valuation-----	2, 332, 013. 13
Printing and binding-----	241, 533. 46

Total-----	7, 881, 212. 44
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Unexpended balances of appropriations:

General-----	961. 91
Accounts-----	361. 41
Safety-----	25, 500. 93
Signals and train-control devices-----	83, 439. 31
Locomotive inspection-----	24, 025. 59
Valuation-----	4, 656. 87
Printing and binding-----	23, 466. 54

	162, 412. 56
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Total-----	8, 043, 625. 00
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ERNEST I. LEWIS, *Chairman*.

BALTHASAR H. MEYER.

CLYDE B. AITCHISON.

JOSEPH B. EASTMAN.

JOHNSTON B. CAMPBELL.

FRANK McMANAMY.

THOMAS F. WOODLOCK.

RICHARD V. TAYLOR.

EZRA BRAINERD, JR.

CLAUDE R. PORTER.

PATRICK J. FARRELL.



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## APPENDIX A

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### INDICTMENTS RETURNED, AND INFORMATIONS, COMPLAINTS, AND PETITIONS FILED, AND CASES CONCLUDED

Summary of indictments returned and informations, complaints, and petitions filed between November 1, 1928, and October 31, 1929, inclusive, for violations of the interstate commerce, Elkins, transportation of explosives, and bills of lading acts.

Summary of cases arising from violations of the above acts concluded between November 1, 1928, and October 31, 1929, inclusive, and sentences imposed.



**SUMMARY OF INDICTMENTS RETURNED AND INFORMATIONS,  
COMPLAINTS, AND PETITIONS FILED BETWEEN NOVEMBER 1,  
1928, AND OCTOBER 31, 1929, INCLUSIVE**

United States *v.* Alabastine Company and H. C. Hamilton, District Court Middle Pennsylvania. October 29, 1929, indictment charging accepting and receiving concessions; 10 counts.

United States *v.* Arkansas Short Line, District Court Eastern Arkansas. October 22, 1929, indictment charging engaging in transportation without certificate of public convenience, and without having filed tariffs; 10 counts.

United States *v.* The Armstrong Company and Rex E. Hall, District Court Middle Pennsylvania. October 29, 1929, indictment charging accepting and receiving concessions; 10 counts.

United States *v.* Atchison, Topeka & Santa Fe Railway Company, District Court Northern Illinois, May 18, 1929, complaint charging failure to obey commission's order.

United States *v.* Dollie E. Baker, District Court Eastern Virginia. May 7, 1929, indictment returned charging unlawful use of pass; 1 count.

United States *v.* Alice Butler, Albert Fitzhugh and Jerry Griffin, District Court Western Louisiana. April 1, 1929, indictment charging unlawful use of pass; 1 count.

United States *v.* Joseph F. Byrnes, District Court Southern Texas, May 16, 1929, indictment charging false billing; 15 counts.

United States *v.* Barney B. Candill, District Court Eastern Virginia. May 7, 1929, indictment returned charging unlawful use of pass; 1 count.

United States *v.* Alfred Chapman and J. M. Avery, District Court Eastern Virginia. October 1, 1928, indictment returned charging unlawful use of pass; 1 count.

United States *v.* Alfred Chapman, J. S. Hatcher, T. D. Lee, and W. F. Denny, District Court Eastern Virginia. October 1, 1928, indictment returned charging unlawful use of pass; 1 count.

United States *v.* Chicago, Burlington & Quincy Railroad Company, District Court Northern Illinois, May 18, 1929, complaint charging failure to obey commission's order.

United States *v.* Chicago, Rock Island & Pacific Railway Company, District Court Northern Illinois, May 18, 1929, complaint charging failure to obey commission's order.

United States *v.* Mrs. W. B. Corwin, W. L. Clark, and Mrs. W. L. Clark, District Court Western Pennsylvania, November 14, 1928, information charging unlawful use of pass; 1 count.

United States *v.* Frank W. Costello and Robert P. Olker, District Court Northern Illinois, June 28, 1929, indictment charging falsification of record kept by a carrier; 1 count.

United States *v.* Burk Davis, Albert Fitzhugh and Jerry Griffin, District Court Western Louisiana. April 1, 1929, indictment charging unlawful use of pass; 1 count.

United States *v.* Edward F. Davis, District Court of Colorado. September 12, 1929, indictment charging negotiating and transferring for value, false bills of lading; 1 count.

United States *v.* Detroit, Toledo & Ironton Railroad, District Court Southern Ohio, June 8, 1929, indictment charging accepting and receiving concessions; 25 counts.

United States *v.* H. C. Dodd, District Court Middle Tennessee, September 18, 1929, indictment charging false billing; 10 counts.

United States *v.* Dolphin Paint & Varnish Company, District Court Northern Ohio, June 20, 1929, indictment charging accepting concessions; 9 counts.

United States *v.* George Dulaney, Dora Todd, and Dora Todd, District Court Western Tennessee, September 3, 1929, indictment charging unlawful use of pass; 1 count.



United States *v.* F. J. Feldman and Jack McGuire, District Court Southern Ohio, December 21, 1928, indictment charging unlawful use of pass; 2 counts.

United States *v.* George B. Fisher, District Court Eastern Pennsylvania, May 28, 1929, indictment charging filing false claims; 10 counts.

United States *v.* George William Hayes, District Court Wyoming, March 1, 1929, information charging unlawful use of pass; 2 counts.

United States *v.* Lulu Hendricks and E. V. Bowman, District Court Western Pennsylvania, April 8, 1929, information charging unlawful use of pass; 1 count.

United States *v.* Thomas Henry Company, District Court Middle Tennessee, September 18, 1929, indictment charging false billing; 10 counts.

United States *v.* Hibbard, Spencer, Bartlett & Company, District Court Northern Illinois, April 26, 1929, indictment charging false billing; 12 counts, and accepting concessions; 10 counts.

United States *v.* Hibbard, Spencer, Bartlett & Company, District Court Northern Illinois, April 26, 1929, indictment charging making shipments of explosives without disclosing the character thereof; 5 counts.

United States *v.* James O. Hollis and Mrs. Francis Pitts, District Court Nebraska, November 28, 1928, information charging unlawful use of pass; 1 count.

United States *v.* George D. Horn, District Court Northern Illinois, October 25, 1929, indictment charging filing false claims; 3 counts.

United States *v.* Jill Bros., Inc., District Court Southern Texas, May 16, 1929, indictment charging false billing; 15 counts.

United States *v.* Lula Jones, District Court Eastern Virginia, October 18, 1928, information charging unlawful use of pass; 1 count.

United States *v.* Kansas City Southern Railway Company, District Court Western Missouri, May 17, 1929, complaint charging failure to obey commission's order.

United States *v.* J. Klein Sons, Inc., District Court Northern Illinois, June 28, 1929, indictment charging accepting concessions; 9 counts.

United States *v.* R. H. Kyle & Company, District Court Southern West Virginia, April 18, 1929, indictment charging filing false claims; 10 counts.

United States *v.* Edward W. LaRue, District Court Wyoming, March 8, 1929, information charging unlawful use of pass; 2 counts.

United States *v.* William Leach, District Court Wyoming, January 3, 1929, information charging unlawful use of pass; 1 count.

United States *v.* Lehigh Valley Railroad Company, Reading Company and J. A. Fisher, District Court Middle Pennsylvania, October 29, 1929, indictment charging granting concessions; 8 counts.

United States *v.* James B. Leweday, District Court Western Texas, February 28, 1929, information charging unlawful use of pass; 1 count.

United States *v.* William Ernest Long, District Court Kansas, May 22, 1929, information charging unlawful use of pass; 3 counts.

United States *v.* Missouri-Kansas-Texas Railroad Company, District Court Eastern Missouri, May 17, 1929, complaint charging failure to obey commission's order.

United States *v.* Missouri Pacific Railroad Company, District Court Eastern Missouri, May 17, 1929, complaint charging failure to obey commission's order.

United States *v.* Dominick J. Napoli, District Court Eastern Pennsylvania, May 28, 1929, indictment charging filing false claims; 7 counts.

United States *v.* Dominick J. Napoli, District Court Eastern Pennsylvania, May 28, 1929, indictment charging accepting concessions; 8 counts.

United States *v.* Nelson Products Company, J. Vincent Reardon and Clarence R. Sweney, District Court Middle Pennsylvania, October 29, 1929, indictment charging accepting and receiving concessions; 7 counts.

United States *v.* J. H. Nicholas & Co., Inc., and Nicholas H. Weitzner, District Court Middle Pennsylvania, October 29, 1929, indictment charging accepting and receiving concessions, 25 counts; A. Daigger & Co., and Maurice M. Kraft, Max Woldenberg and George W. Lerch, aiding and abetting therein; 8 counts.

United States *v.* Reginal O'Dell and Miller Gillespie, District Court Western Virginia, November 26, 1928, indictment charging unlawful use of pass; 1 count.

United States *v.* Audon Parras, District Court Wyoming, July 22, 1929, information charging unlawful use of pass; 1 count.

United States *v.* The Pennsylvania Railroad Company, District Court Middle Pennsylvania. October 29, 1929, indictment charging granting concessions, 10 counts; Harry Gordon, aiding and abetting therein, 5 counts; and Edward A. Moran, aiding and abetting therein; 2 counts.

United States *v.* Abner Pollack, District Court Western Kentucky. October 17, 1929, indictment charging filing false claims; 7 counts.

United States *v.* Charles H. Pratz, District Court Western New York, December 4, 1928, indictment charging negotiating and transferring for value, false bills of lading; 7 counts.

United States *v.* The Reardon Company, J. Vincent Reardon and Clarence R. Sweney, District Court Middle Pennsylvania. October 29, 1929, indictment charging accepting and receiving concessions; 1 count.

United States *v.* St. Louis-San Francisco Railway Company, District Court Eastern Missouri, May 17, 1929, complaint charging failure to obey commission's order.

United States *v.* Schlueter's, District Court Southern California, November 8, 1928, indictment charging filing false claims; 10 counts.

United States *v.* Otto Steinberg, District Court Idaho. October 14, 1929, indictment charging false billing; 10 counts.

United States *v.* Richard B. Stroud, District Court Kansas, December 5, 1928, information charging unlawful use of pass; 1 count.

United States *v.* Tennessee & North Carolina Railway Company, District Court Eastern Tennessee, November 13, 1928, indictment charging obtaining concessions; 10 counts.

United States *v.* Osborne Tronsen, District Court Western Washington, December 1, 1928, information charging unlawful use of pass; 1 count.

United States *v.* Charles Vaughn and Cassie Vaughn, District Court Eastern Kentucky, April 9, 1929, indictment charging unlawful use of pass; 1 count.

United States *v.* J. B. Warner, District Court Wyoming, December 24, 1928, information charging unlawful use of pass; 2 counts.

United States *v.* A. G. Webb, District Court Southern Texas. July 11, 1929, indictment charging negotiating and transferring for value, false bills of lading; 2 counts.

**SUMMARY OF CASES CONCLUDED IN UNITED STATES DISTRICT  
COURTS BETWEEN NOVEMBER 1, 1928, AND OCTOBER 31, 1929,  
INCLUSIVE**

United States *v.* Atlantic Steel Company, District Court Northern Georgia, October 5, 1927, indictment charging accepting concessions; 8 counts. November 1, 1928, plea of guilty entered and fine of \$2,000 imposed.

United States *v.* Dollie E. Baker, District Court Eastern Virginia. May 7, 1929, indictment charging unlawful use of pass; 1 count. May 14, 1929, plea of guilty entered and fine of \$250 imposed.

United States *v.* Alice Butler, Albert Fitzhugh and Jerry Griffin, District Court Western Louisiana, April 1, 1929, indictment charging unlawful use of pass; 1 count. October 7, 1929, pleas of guilty entered and fine of \$100 imposed upon each defendant.

United States *v.* Barney B. Candill, District Court Eastern Virginia. May 7, 1929, indictment returned charging unlawful use of pass; 1 count. May 14, 1929, plea of guilty entered and fine of \$100 imposed.

United States *v.* Alfred Chapman and J. M. Avery, District Court Eastern Virginia. October 1, 1928, indictment returned charging unlawful use of pass; 1 count. December 11, 1928, plea of guilty entered on behalf of Avery and sentence of three months imprisonment and fine of \$500 imposed.

United States *v.* Alfred Chapman, J. S. Hatcher, T. D. Lee, and W. F. Denny, District Court Eastern Virginia. October 1, 1928, indictment returned charging unlawful use of pass; 1 count. October 9, 1928, plea of guilty entered on behalf of Chapman and sentence of one and one-half years imprisonment in Atlanta Penitentiary and fine of \$1,000 imposed. October 9, 1928, pleas of guilty entered on behalf of Hatcher and Lee and sentence of three months imprisonment and fine of \$500 imposed upon each defendant. October 9, 1928, nolle prosequi entered as to defendant Denny.

United States *v.* Mrs. W. B. Corwin, W. L. Clark, and Mrs. W. L. Clark, District Court Western Pennsylvania, November 14, 1928, information charging unlawful use of pass; 1 count. November 19, 1928, pleas of guilty entered and fine of \$100 imposed upon each defendant.

United States *v.* Frank W. Costello and Robert B. Olker, District Court Northern Illinois, June 28, 1929, indictment charging falsification of records kept by a carrier; 1 count. October 15, 1929, pleas of guilty entered and sentence of 60 days imprisonment imposed upon each defendant.

United States *v.* Wm. R. Crawford, District Court Kansas, October 17, 1928, information charging unlawful use of pass; 1 count. December 4, 1928, plea of guilty entered and fine of \$100 imposed.

United States *v.* Burk Davis, Albert Fitzhugh and Jerry Griffin, District Court Western Louisiana, April 1, 1929, indictment charging unlawful use of pass; 1 count. October 7, 1929, pleas of guilty entered and fine of \$200 imposed upon defendant Fitzhugh, and \$100 each upon defendants Davis and Griffin.

United States *v.* George Dulaney, Dora Todd, and Dora Todd, District Court Western Tennessee, September 3, 1929, indictment charging unlawful use of pass; 1 count. September 3, 1929, pleas of guilty entered and sentence of 11 months and 29 days imprisonment imposed upon defendant Dulaney; and fine of \$5 imposed upon each of the other defendants.

United States *v.* F. J. Feldman and Jack McGuire, District Court Southern Ohio. December 21, 1928, indictment charging unlawful use of pass; 2 counts. January 2, 1929, plea of guilty entered on behalf of defendant Feldman and sentence of 15 days imprisonment imposed. June 29, 1929, nolle prosequi entered as to defendant McGuire.

United States *v.* George William Hayes, District Court Wyoming, March 1, 1929, information charging unlawful use of pass; 2 counts. March 1, 1929, plea of guilty entered and fine of \$250 imposed.

United States *v.* Lulu Hendricks and E. V. Bowman, District Court Western Pennsylvania, April 8, 1929, information charging unlawful use of pass; 1 count. April 8, 1929, pleas of guilty entered and fine of \$100 imposed upon each defendant.

United States *v.* James O. Hollis and Mrs. Francis Pitts, District Court Nebraska, November 28, 1928, information charging unlawful use of pass; 1



count. December 19, 1928, pleas of guilty entered and fine of \$100 imposed upon each defendant.

United States *v.* Lula Jones, District Court Eastern Virginia. October 18, 1928, information charging unlawful use of pass; 1 count. November 5, 1928, plea of guilty entered and fine of \$100 imposed.

United States *v.* R. H. Kyle & Company, District Court Southern West Virginia, April 18, 1929, indictment charging filing false claims; 10 counts. April 27, 1929, plea of guilty entered and fine of \$1,000 imposed.

United States *v.* Edward W. LaRue, District Court Wyoming, March 8, 1929, information charging unlawful use of pass; 2 counts. March 8, 1929, plea of guilty entered and fine of \$100 imposed.

United States *v.* William Leach, District Court Wyoming, January 3, 1929, information charging unlawful use of pass; 1 count. January 3, 1929, plea of guilty entered and fine of \$100 imposed.

United States *v.* James B. Leweday, District Court Western Texas, February 28, 1929, information charging unlawful use of pass; 1 count. March 4, 1929, plea of guilty entered and fine of \$150 imposed.

United States *v.* William Ernest Long, District Court Kansas, May 22, 1929, information charging unlawful use of pass; 3 counts. May 22, 1929, plea of guilty entered and fine of \$300 imposed.

United States *v.* Munson Steamship Line, District Court Maryland, July 10, 1928, petition seeking writ of mandamus to compel filing of tariffs. March 22, 1929, directed verdict for respondent.

United States *v.* Dominick J. Napoli, District Court Eastern Pennsylvania, May 28, 1929, indictment charging filing false claims; 7 counts. October 11, 1929, verdict of not guilty rendered.

United States *v.* Reginal O'Dell and Miller Gillespie, District Court Western Virginia, November 26, 1928, indictment charging unlawful use of pass; 1 count. November 26, 1928, plea of guilty entered and sentence suspended.

United States *v.* Audon Parras, District Court Wyoming, July 22, 1929, information charging unlawful use of pass; 1 count. July 22, 1929, plea of guilty entered and fine of \$100 imposed.

United States *v.* Elmer William Peterson, District Court Minnesota, September 26, 1927, indictment charging negotiating and transferring for value, false bills of lading; 1 count. June 10, 1929, plea of guilty entered and sentence of one year and one day imprisonment in Leavenworth Penitentiary imposed.

United States *v.* Charles H. Pratz, District Court Western New York, December 4, 1928, indictment charging negotiating and transferring for value, false bills of lading; 7 counts. March 14, 1929, plea of guilty entered and sentence of two years imprisonment in Atlanta Penitentiary imposed.

United States *v.* Ethel Simmons, District Court South Carolina, September 24, 1928, indictment charging unlawful use of pass; 1 count. April 24, 1929, plea of guilty entered and fine of \$100 imposed.

United States *v.* Elmer W. Smith, District Court Western Washington, June 1, 1927, indictment charging negotiating and transferring for value, false bills of lading; 18 counts. June 11, 1929, plea of guilty entered and sentence of 18 months' imprisonment in McNeil Island Penitentiary and fine of \$1,500 imposed.

United States *v.* Richard B. Stroud, District Court Kansas, December 5, 1928, information charging unlawful use of pass; 1 count. April 8, 1929, plea of guilty entered and fine of \$100 imposed.

United States *v.* Tennessee & North Carolina Railway Company, District Court Eastern Tennessee, November 13, 1928, indictment charging obtaining concessions; 10 counts. March 5, 1929, plea of guilty entered and fine of \$1,000 imposed.

United States *v.* Osborne Tronsen, District Court Western Washington, December 1, 1928, information charging unlawful use of pass; 1 count. December 1, 1928, plea of guilty entered and fine of \$100 imposed.

United States *v.* Charles Vaughn and Cassie Vaughn, District Court Eastern Kentucky, April 9, 1929, indictment charging unlawful use of pass; 1 count. April 12, 1929, pleas of guilty entered and sentence of 30 days' imprisonment imposed upon each defendant.

United States *v.* J. B. Warner, District Court Wyoming, December 24, 1928, information charging unlawful use of pass; 2 counts. December 24, 1928, plea of guilty entered and fine of \$100 imposed.

United States *v.* A. G. Webb, District Court Southern Texas, July 11, 1929, indictment charging negotiating and transferring for value, false bills of lading; 2 counts. July 11, 1929, plea of guilty entered and sentence of two years' imprisonment in Atlanta Penitentiary imposed.



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## APPENDIX B

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SUMMARIES SHOWING ACTION TAKEN SINCE THE PERIOD COVERED BY THE LAST ANNUAL REPORT WITH RESPECT TO CASES INVOLVING ORDERS OR REQUIREMENTS OF THE COMMISSION AND STATUS ON OCTOBER 31, 1929, OF CASES PENDING IN THE COURTS.

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## CASES DECIDED BY THE COURTS SINCE OCTOBER 31, 1928

### SUPREME COURT OF THE UNITED STATES

*The United States of America and Interstate Commerce Commission, appellants, v. Missouri Pacific Railroad Company, appellee.*

Suit in equity to set aside the order of the commission in *Fort Smith, Subiaco & Rock Island Railroad Company v. Alabama & Vicksburg Railway Company et al.*, 107 I. C. C. 523, requiring the Missouri Pacific and other carriers to establish through routes and joint rates, applicable via the line of the Fort Smith, Subiaco & Rock Island Railroad Company, on traffic moving under class and commodity rates between points of origin and destination named in certain southwestern lines tariffs.

On April 10, 1926, the petition was filed. On May 28, 1926, the case was argued and a preliminary injunction was granted. On August 5, 1927, a permanent injunction was granted, and on November 7, 1927, the appeal was docketed in the Supreme Court. On March 5-6, 1928, the case was argued orally and submitted for decision. On April 9, 1928, it was assigned for reargument on April 23, 1928, and on April 24, 1928, was reassigned for oral argument on October 1, 1928. On June 4, 1928, the hearing was postponed to November 19, 1928, and on November 19-20, 1928, the case was reargued and submitted for decision. On January 2, 1929, the decision of the lower court was affirmed and the order of the commission held invalid.

*The United States of America et al. and Interstate Commerce Commission, appellants, v. Anchor Coal Company et al., appellees.*

Suit in equity to set aside the commission's order of February 21, 1928, requiring certain carriers to cancel tariffs naming reduced rates on coal from points in West Virginia and other Southern States to lake ports. 139 I. C. C. 367, I. & S. Docket No. 2967.

On March 14, 1928, the bill of complaint was filed. On March 19-22, 1928, the case was argued and submitted for decision on final hearing, and on April 14, 1928, a final decree was entered and a permanent injunction issued. On August 14, 1928, the appeal was docketed in the Supreme Court. On February 19-20, 1929, the case was argued and submitted for decision, and on March 5, 1929, the decree of the lower court was reversed and the bill dismissed, on the ground that the controversy had become moot.

*State of Alabama and Alabama Public Service Commission, appellants, v. United States et al. and Interstate Commerce Commission, appellees.*

Suit in equity to set aside the commission's order of October 3, 1927, requiring certain carriers to establish rates for the transportation of fertilizer and fertilizer materials within the State of Alabama, for the purpose of removing undue prejudice and unjust discrimination found to exist between said rates and certain intrastate rates applicable to the transportation of like traffic. 113 I. C. C. 389, Docket No. 16336.

On December 21, 1927, the petition was filed. On February 8, 1928, the case was argued and submitted for decision, and on February 13, 1928, the interlocutory injunction was denied. On May 31, 1928, the case was docketed on appeal in the Supreme Court. On February 21, 1929, the case was argued and submitted for decision, and on April 8, 1929, the decree of the lower court was affirmed and the order of the commission sustained.

*Bartlesville Zinc Company, petitioner, v. Interstate Commerce Commission, respondent.*

Petition for writ of mandamus to compel the commission to issue an order awarding reparation upon facts found by it, and in accordance with the conclusion of law as to written notice announced by the commission in *Campbell Construction Company v. La Crosse & Southeastern Railway Company*, 95 I. C. C. 603. Docket No. 11463, 74 I. C. C. 26.

On November 8, 1927, the petition was filed. On May 11, 1928, after oral argument, the petition was dismissed, and on May 29, 1928, the case was docketed on appeal to the Court of Appeals of the District of Columbia. On December 6, 1928, the case was argued and submitted for decision, and on January 7, 1929, the decision of the lower court was affirmed. On March 26, 1929, petition for writ of certiorari on behalf of petitioner was filed in the Supreme Court of the United States, and on April 22, 1929, that court denied the petition.

*The St. Louis and O'Fallon Railway Company and Manufacturers' Railway Company, appellants, v. United States of America and Interstate Commerce Commission, appellees.*

Suit in equity to set aside the commission's order of February 15, 1927, in Finance Dockets Nos. 3908 and 4026, requiring payment to the commission by the St. Louis & O'Fallon of excess net railway operating income. 124 I. C. C. 3.

On May 3, 1927, the petition was filed. On October 5-7, 1927, the case was argued and submitted for decision, and on December 10, 1927, the commission's order was sustained, except as to dates upon which accrual of interest on payments to be made by carriers should begin. On May 9, 1928, the appeal was docketed in the Supreme Court, and on January 3-4, 1929, the case was argued and submitted for decision. On May 20, 1929, the judgment of the District Court was reversed and the order of the commission annulled.

*The Atchison, Topeka and Santa Fe Railway Company, Missouri Pacific Railroad Company, and The Chicago, Rock Island & Pacific Railway Company, appellants, v. The United States of America and Interstate Commerce Commission, appellees.*

Suit in equity to set aside the commission's order of July 6, 1927, requiring the Santa Fe, Missouri Pacific, and Rock Island to cancel certain increased rates for the transportation of grain and grain products from Colorado, Kansas, and Nebraska to Kansas City and Wichita, when destined to Gulf ports for export. 129 I. C. C. 261, I. & S. Docket No. 2813.

The bill of complaint was filed in December, 1927. On April 6, 1928, the case was argued orally and submitted for decision on final hearing, and on May 14, 1928, the bill was dismissed for want of equity. On September 21, 1928, the appeal was docketed in the Supreme Court. On April 11, 1929, the case was argued and submitted for decision, and on June 3, 1929, the decision of the lower court was affirmed and the order of the commission sustained.

#### DISTRICT COURTS OF THE UNITED STATES

*Brooks-Scanlon Corporation et al., petitioners, v. United States of America and Interstate Commerce Commission, defendants.*

*Wilson Lumber Company of Florida, plaintiff, v. United States, defendant, and Interstate Commerce Commission, intervening defendant.*

*State of Florida, et al., as and constituting Florida R. R. Commission, petitioners, v. United States of America and Interstate Commerce Commission, defendants.* Northern District of Georgia, Atlanta Division.

Suits in equity to enjoin the commission's order of August 2, 1928, in *Georgia Public Service Commission v. Atlantic Coast Line Railroad Company*, 146 I. C. C. 717, Docket 18364, prescribing reasonable rates on logs, in carloads, from certain points in Florida to destinations in Georgia; and also prescribing for intrastate application in the State of Florida rates which will be the same as those prescribed for transportation in interstate commerce from points in Florida to destinations in Georgia.

The bills of complaint were filed in November, 1928, and on January 3-4, 1929, the case was argued and submitted for decision on final hearing. On January 17, 1929, a final decree was entered, denying the injunction and dismissing the petition. On March 7-8, 1929, the case was reargued and submitted for decision, and on March 22, 1929, the commission's order was sustained.

*F. C. Wallower and Harrison C. Rogers, Receivers for the Southwest Missouri Railroad Company, and the Southwest Missouri Railroad Company, petitioners, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Western District of Missouri.

Suit in equity to set aside the commission's order of May 2, 1928, 140 I. C. C. 627, I. & S. Docket No. 2990, requiring the Southwest Missouri to cancel its tariff I. C. C. No. 22, which provides for certain absorptions on account of dray-



age of ore shipped in carloads from points in Oklahoma to points in other States.

On May 31, 1928, the petition was filed. On June 18, 1928, the case was argued orally and submitted for decision, and on June 22, 1928, an interlocutory injunction was granted. On January 7, 1929, the case was argued and submitted on final hearing, and on March 20, 1929, the injunction was vacated and the bill dismissed.

*The Baltimore & Ohio Railroad Company et al., complainants, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Southern District of Ohio, Eastern Division.

Suit in equity to set aside and annul orders of the commission, dated July 14, 1928, September 7, 1928, and October 13, 1928, prescribing reasonable rates on livestock from C. F. A. points to eastern destinations. 144 I. C. C. 731.

On October 18, 1928, the bill of complaint was filed. On October 24, 1928, after argument, the application for restraining order was dismissed.

*Erie Railroad Company et al., petitioners, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* District of New Jersey.

Suit in equity to set aside and annul order of the commission, dated November 2, 1928, in Docket 16531. *Hamersley Manufacturing Co. v. Erie R. R. Co. et al.*, in so far as said order prescribes rates from Hoboken, N. J., to Garfield, N. J. 148 I. C. C. 47.

On December 17, 1928, the petition was filed. On December 18, 1928, the case was argued and submitted on final hearing, and on December 26, 1928, a permanent injunction was granted. On January 29, 1929, the case was docketed on appeal in the Supreme Court.

*Terminal Warehouse Company of Baltimore, complainant, v. The United States of America, Interstate Commerce Commission, and The Pennsylvania Railroad Company, respondents.* District of Maryland.

Suit in equity to set aside and annul an order of the commission dated November 22, 1928, in Docket No. 15445, *McCormick Warehouse Co. v. Pennsylvania R. R. Co.*, 148 I. C. C. 299, wherein the commission found that the practice of the carrier in making allowances to the Terminal Warehouse Company for performing terminal services in connection with the loading and unloading of carload package freight at Baltimore, and refusing to make such allowances to the McCormick Company was unjustly discriminatory and unduly prejudicial.

On December 24, 1928, the petition was filed. On February 4, 1929, the case was argued and submitted for decision, and on April 10, 1929, the injunction was denied and the bill dismissed. On May 8, 1929, after argument, application for a stay order pending appeal was denied, and on July 12, 1929, the case was dropped from the docket because of complainant's failure to appeal within the time prescribed by law.

*Piedmont and Northern Railway Company, petitioner, v. United States of America, defendant, and Interstate Commerce Commission et al., intervening defendants.* Western District of South Carolina.

Suit in equity to set aside the commission's order of April 3, 1928, denying application of the Piedmont & Northern Railway Company for a certificate of public convenience and necessity under paragraphs (18) to (21), inclusive, of section 1 of the interstate commerce act, as modified by paragraph (22) of that section. 138 I. C. C. 363, Finance Docket No. 6208.

On May 22, 1928, the petition was filed. On June 28, 1928, after argument on the question, an order was entered by the district judge, calling together a 3-judge court, and on June 29, 1928, the case was set for hearing on October 2, 1928. On October 14, 1928, the case was argued and submitted for decision, and on January 3-4, 1929, the petition was dismissed, and the order of the commission sustained. On June 13, 1929, the appeal was docketed in the Supreme Court.

*Akron, Canton & Youngstown Railway Company et al., plaintiffs, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Northern District of Illinois, Eastern Division.

Suit in equity to set aside the commission's orders of December 29, 1926, and July 11, 1928, prescribing maximum reasonable rates based on distance for

uniform application on fertilizer and fertilizer materials, in carloads, between points in central territory. 120 I. C. C. 361; 146 I. C. C. 419, Docket No. 15912.

On September 21, 1928, the bill of complaint was filed. On November 12, 1928, the case was argued and submitted for decision, and on May 23, 1929, the injunction was denied and the bill dismissed for want of equity.

*Chicago, Milwaukee, St. Paul and Pacific Railroad Company, plaintiff, v. United States and Interstate Commerce Commission, defendants.* Northern District of Illinois, Eastern Division.

Suit in equity to enjoin the commission's certificate and order of January 4, 1928, 131 I. C. C. 673, and supplemental order of March 13, 1928, entered in F. D. 6240, *Chicago, Milwaukee & St. Paul Reorganization*, 138 I. C. C. 291, in so far as the authorization thereby given for issue of securities is conditioned upon the impounding by the carrier of a certain \$4 per share fund, and the requirement that that fund "shall not be paid out unless and until so authorized by order of the court in respect to payments subject to the court's jurisdiction or by the commission."

On October 13, 1928, the petition was filed. On February 18, 1929, the case was argued and submitted for decision, and on June 24, 1929, a permanent injunction was granted, and the order of the commission, as to the \$1.50 trust fund, held invalid. On September 12, 1929, the case was docketed on appeal to the Supreme Court.

*Winter-Loeb Grocery Company et al., complainants, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Southern District of Alabama.

Suit in equity to set aside, and for a stay of the commission's order of June 10, 1929, postponing indefinitely the effective date of its order of November 27, 1926 (Docket No. 15082, 118 I. C. C. 732), in respect of undue preference and prejudice, and reopening the proceedings as to those matters in connection with Docket No. 17000, part 7-A, *Grain and Grain Products, Southern Territory Rates*.

On June 20, 1929, the bill of complaint was filed. On July 5, 1929, the case was argued and submitted for decision, and on July 11, 1929, the injunction was denied and the order of the commission sustained.

#### COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

*Bartlesville Zinc Company, appellant, v. Interstate Commerce Commission, appellee.*

Petition for writ of mandamus to compel the commission to issue an order awarding reparation upon facts found by it, and in accordance with the conclusion of law as to written notice announced by the commission in *Campbell Construction Company v. LaCrosse & Southeastern Railway Company*, 95 I. C. C. 603; Docket No. 11468, 74 I. C. C. 26.

On November 8, 1927, the petition was filed in the Supreme Court of the District of Columbia. On May 11, 1928, after oral argument, the petition was dismissed, and on May 29, 1928, the case was docketed on appeal to the Court of Appeals of the District of Columbia. On December 6, 1928, the case was argued and submitted for decision, and on January 7, 1929, the decision of the lower court was affirmed. A petition for writ of certiorari on behalf of the zinc company was filed in the Supreme Court of the United States on March 26, 1929, and on April 22, 1929, that court denied the petition.

*United States of America ex rel. City of Los Angeles, relator, v. Interstate Commerce Commission, respondent.*

Petition for writ of mandamus to compel the commission to consider the evidence in Docket No. 14778, 100 I. C. C. 421, and 142 I. C. C. 489, for the purpose of determining whether an order requiring the construction and use of the new union passenger station in the city of Los Angeles should be issued.

On June 12, 1928, the petition was filed in the Supreme Court of the District of Columbia. On October 18, 1928, after argument, an order was entered by the court dismissing the petition. On October 27, 1928, an appeal was docketed in the Court of Appeals of the District of Columbia, and on January 8, 1929, the case was argued and submitted for decision. On February 25, 1929, the judgment of the lower court was reversed, and a writ of mandamus issued.



On March 25, 1929, a petition for writ of certiorari was filed in the Supreme Court of the United States, which was granted on April 15, 1929. On May 13, 1929, the case was assigned for hearing of oral argument on October 28, 1929.

## SUPREME COURT OF THE DISTRICT OF COLUMBIA

*United States of America ex rel. Capital Grain & Feed Company et al., petitioners, v. Interstate Commerce Commission, respondents.*

Petition for writ of mandamus to compel the commission to determine whether or not petitioners were subjected to the payment of charges on grain which were unreasonable, and if so, to award damages in the amount so found, as required by law. Docket No. 15082, 118 I. C. C. 732.

On November 15, 1928, the petition was filed, and on November 23, 1928, the order to show cause was issued. On February 5, 1929, the case was argued and submitted for decision, and on April 19, 1929, the writ of mandamus was ordered issued. On June 19, 1929, the case was docketed on appeal to the Court of Appeals of the District of Columbia.

*United States of America ex rel. Ralston Purina Company et al., relator, v. Interstate Commerce Commission, respondent.*

Petition for writ of mandamus to compel the commission to determine whether or not petitioners were subjected to the payment of charges on grain shipped to them at Nashville, Tenn., which were unreasonable, and if so, to award damages for the amount so found, as required by law. Docket No. 15292, 118 I. C. C. 748.

On December 17, 1928, the petition was filed, and on December 19, 1928, the order to show cause was issued. On February 5, 1929, the case was argued and submitted for decision, and on April 19, 1929, the writ of mandamus was ordered issued. On June 19, 1929, the case was docketed on appeal to the Court of Appeals of the District of Columbia.

*United States ex rel. Empire and Southeastern Railway Company, a branch of The T. Wilce Company, relator, v. Interstate Commerce Commission, respondent.*

Petition for writ of mandamus to compel the commission to accord to the relator hearing on its deficit claim under section 204 of the transportation act. 117 I. C. C. 609, F. D. 5735.

On October 27, 1928, the petition was filed, and on May 13, 1929, after oral argument, the petition was dismissed.

*Southern Transportation Company et al., petitioners, v. Interstate Commerce Commission, respondent.*

Suit in equity to set aside, annul, and enjoin the commission's order of September 13, 1928, in Docket No. 14877, *Southern Transportation Co. et al. v. Norfolk & Western Ry. Co. et al.*, dismissing a complaint asking for reparation on account of payment of wharfage charges by owners of vessels taking on bunker coal at coal-loading docks at Norfolk, Va., to owners of said docks, which were not published or filed in accordance with section 6 of the interstate commerce act when they were collected by the carriers. 147 I. C. C. 29.

On February 12, 1929, the petition was filed. On April 24, 1929, the case was argued and submitted for decision and on May 28, 1929, the petition was dismissed.

*Northern Pacific Railway Company, Great Northern Railway Company, Chicago, Milwaukee, St. Paul & Pacific Railroad Company, and Chicago, Burlington & Quincy Railroad Company, petitioners, v. Interstate Commerce Commission, respondent.*

Petition for writ of mandamus to compel the commission to enter upon an investigation pursuant to petition filed with it on April 15, 1929, by the Northern Pacific Railway Company and other carriers, in which complaint is made that certain intrastate rates in Montana violate section 13 of the act.

On July 23, 1929, the petition was filed and order to show cause, returnable August 15, 1929, issued. On September 25, 1929, the case was argued orally and submitted for decision, and the writ of mandamus ordered issued.



## CASES DISCONTINUED

## DISTRICT COURTS OF THE UNITED STATES

*Grainger County, Tate Springs Hotel Company, et al., complainants, v. Southern Railway Company, United States of America, and Interstate Commerce Commission, defendants.* Eastern District of Tennessee, Northern Division.

Suit in equity to set aside the commission's certificate of August 25, 1928, permitting the Southern Railway Company to abandon and discontinue operation of its line extending from Morristown to Corryton, Tenn., 39.58 miles; and for an interlocutory injunction to restrain the carrying out and exercise of such authority pending final hearing. 145 I. C. C. 355, F. D. 4360.

The bill of complaint was filed in October, 1928, and on November 1, 1928, the case was dismissed on motion of the complainants.

*Armour and Company, a corporation, and Swift and Company, a corporation, petitioners. v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* District of Minnesota, Fifth Division.

Suit in equity to set aside the commission's order of April 29, 1925, in so far as it affects rates for the transportation of fresh meats and packing-house products from St. Paul and South St. Paul to Duluth. 98 I. C. C. 352.

On March 12, 1927, the petition was filed; and on July 19, 1928, the case was argued orally and submitted for decision. On August 30, 1928, the case was dismissed on final decree for want of equity; and on December 1, 1928, the case was dropped from the docket because of expiration of time for taking appeal.

*Atlanta, Birmingham and Coast Railroad Company, complainant, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Northern District of Georgia, Atlanta Division.

Suit in equity to set aside the commission's order of April 9, 1928, in Finance Docket No. 5454, *Reorganization and Control of A., B. & C. R. R.*, 117 I. C. C. 181; 117 I. C. C. 439, denying petition for oral argument, wherein the carrier sought a supplemental order authorizing it to set up in its books of accounts as the value of the property acquired by it at foreclosure sale of the Atlanta, Birmingham & Atlantic Railway Co., entries charging its accounts with the final valuation of the properties acquired, as fixed by the commission in Valuation Docket No. 1, 75 I. C. C. 645.

On June 14, 1928, the petition was filed; and on October 12, 1928, the case was argued orally and submitted for decision. On October 26, 1928, a permanent injunction was issued; and on December 3, 1928, the case was dropped from the docket, the commission having voted not to appeal from the decision of the district court.

*The Baltimore & Ohio Railroad Company et al. v. United States of America, The New York Central Railroad Company, et al., defendants, and Interstate Commerce Commission, intervening defendant.* Northern District of Illinois, Eastern Division.

Suit in equity to set aside an order of the commission granting permission to the New York Central Railroad Co. to purchase the stock of the Chicago River & Indiana Railroad Co., and granting to the latter permission to lease the properties of the Chicago Junction Railway Co.

On April 10, 1923, the bill of complaint was filed. On June 27, 1923, the injunction asked for was denied, motions of certain defendants to dismiss were sustained, and the bill dismissed. On March 3, 1924, the decree of the lower court was reversed by the Supreme Court of the United States, in so far as it sustained the motions to dismiss; and on April 8, 1924, the case was remanded to the lower court for further proceedings. 264 U. S. 258. On January 15, 1929, an order was entered by the district court dismissing the petition on motion of the plaintiffs.

*Interstate Commerce Commission, complainant, v. Eastern Kentucky Railway Company and Sturgis G. Bates, Receiver, defendant.* Eastern District of Kentucky.

Suit in equity to enjoin discontinuance of operation of the Eastern Kentucky Railway, which extends from Riverton, Ky., to Webbville, Ky.

On December 30, 1927, the petition was filed. On December 31, 1927, a restraining order was granted; and on January 3, 1928, an injunction was

issued. On February 12, 1929, the case was dismissed on motion of the complainant.

*Terminal Warehouse Company of Baltimore, complainant, v. The United States of America, Interstate Commerce Commission, and The Pennsylvania Railroad Company, respondents.* District of Maryland.

Suit in equity to set aside and annul an order of the commission dated November 22, 1928, in Docket No. 15445, *McCormick Warehouse Co. v. Pennsylvania R. R. Co.*, 148 I. C. C. 299, wherein the commission found that the practice of the carrier in making allowances to the Terminal Warehouse Company for performing terminal services in connection with the loading and unloading of carload package freight at Baltimore, and refusing to make such allowances to the McCormick Company was unjustly discriminatory and unduly prejudicial.

On December 24, 1928, the petition was filed. On February 4, 1929, the case was argued and submitted for decision, and on April 10, 1929, the injunction was denied and the bill dismissed. On May 8, 1929, after argument, application for a stay order pending appeal was denied, and on July 12, 1929, the case was dropped from the docket because of complainant's failure to appeal within the time prescribed by law.

*The Baltimore and Ohio Railroad Company and Western Maryland Railway Company, petitioners, v. United States, Interstate Commerce Commission and A. Spates Brady, defendants.* Northern District of West Virginia.

Suit in equity to set aside order of the commission dated February 28, 1929, awarding reparation in favor of A. Spates Brady in the sum of \$12,838.31, with interest from April 1, 1923. 102 I. C. C. 19; 112 I. C. C. 245, and 152 I. C. C. 325.

On May 2, 1929, the petition was filed, and on May 16, 1929, motion to dismiss and answer of the commission were filed. On August 31, 1929, the petition was dismissed on motion of the petitioners.

*Texas & New Orleans Railroad Company, et al., complainants, v. The United States of America, respondent, and Interstate Commerce Commission, intervening respondent.* Southern District of Texas, Houston Division.

Suit in equity to set aside the commission's orders of June 23, 1925, and April 4, 1927, requiring certain carriers to remove undue prejudice found to exist between domestic and shipside rates applied to the transportation of cotton from points in Oklahoma, Arkansas, Texas, and Louisiana (on and west of the west bank of the Mississippi River) to Gulf ports. 100 I. C. C. 159, and 123 I. C. C. 685, Dockets numbered 13991 and 14940.

On July 6, 1927, the bill of complaint was filed. On July 12-13, 1927, the case was argued orally and submitted for final decree, and an interlocutory injunction was issued. On December 5, 1927, the injunction was recalled and vacated, and the bill dismissed for want of equity. On September 1, 1929, the case was dropped from the docket because an appeal was not taken within the time prescribed by law.

*Empire and Southeastern Railway Company, a branch of The T. Wilce Company, petitioner, v. United States of America and Interstate Commerce Commission, respondents.* Northern District of Illinois, Eastern Division.

Suit in equity to set aside the commission's order of January 22, 1927, dismissing application filed by the Empire & Southeastern Railway Company under section 204 of the transportation act; 117 I. C. C. 609, Finance Docket No. 5735.

On April 17, 1928, the bill of complaint was filed, and on May 25, 1928, the motion to dismiss and answer of the commission were filed. On September 29, 1929, the bill of complaint was dismissed without prejudice.

## CASES PENDING IN THE COURTS OCTOBER 31, 1929

### SUPREME COURT OF THE UNITED STATES

*The Ann Arbor Railroad Company, et al., appellants, v. United States of America and Interstate Commerce Commission, appellees.*

Suit in equity to set aside the commission's order of July 20, 1927, requiring certain carriers to establish and put in force rates prescribed by the commission



for the transportation of deciduous fruits, in carloads, from points in California to points in other States east of the Rocky Mountains. Docket No. 19130, 129 I. C. C. 25.

On November 23, 1927, the petition was filed. On December 20, 1927, the case was argued and submitted for decision, and on January 18, 1928, the injunction was denied. On February 23, 1928, application for stay order, pending appeal was denied. On May 3, 1928, permanent injunction was denied, decree dismissing the petition was entered, and stay order, pending appeal, was denied. On July 14, 1928, the appeal was docketed in the Supreme Court, and on February 25, 1929, the case was argued and submitted for decision. On May 13, 1929, the case was assigned for reargument on October 21, 1929. On October 21-22, 1929, the case was reargued and submitted for decision.

*Alexander Sprunt & Son, Inc., et al., appellants, v. United States of America and Interstate Commerce Commission, appellees.*

Suit in equity to set aside the commission's orders of June 23, 1925, and April 4, 1927, requiring certain carriers to remove undue prejudice found to exist between domestic and ship-side rates applied to the transportation of cotton from points in Oklahoma, Arkansas, Texas, and Louisiana (on and west of the west bank of the Mississippi River) to Gulf ports. 100 I. C. C. 159 and 123 I. C. C. 685, Dockets numbered 13991 and 14940.

On July 1, 1927, the bill of complaint was filed. On July 12-13, 1927, the case was argued orally and submitted for final decree, and an interlocutory injunction was issued. On December 5, 1927, the injunction was recalled and vacated, and the bill dismissed for want of equity, and on December 31, 1928, the appeal was docketed in the Supreme Court. On October 31-November 1, 1929, the case was argued and submitted for decision.

*Interstate Commerce Commission, petitioner, v. United States of America, ex rel. City of Los Angeles, respondent.*

Petition for writ of mandamus to compel the commission to consider the evidence in Docket No. 14778, 100 I. C. C. 421, and 142 I. C. C. 489, for the purpose of determining whether an order requiring the construction and use of the new union passenger station in the city of Los Angeles should be issued.

On July 12, 1928, the petition was filed, and the rule to show cause issued. On October 18, 1928, after argument, an order was entered by the court dismissing the petition. On October 27, 1928, an appeal was docketed in the Court of Appeals of the District of Columbia, and on January 8, 1929, the case was argued and submitted for decision. On February 25, 1929, the judgment of the lower court was reversed, and a writ of mandamus issued. On March 25, 1929, a petition for writ of certiorari was filed in the Supreme Court of the United States, which was granted on April 15, 1929. On May 13, 1929, the case was assigned for hearing of oral argument on October 28, 1929. On October 28-29, 1929, the case was argued and submitted for decision.

*Piedmont and Northern Railway Company, appellant, v. United States of America, Interstate Commerce Commission, et al., appellees*

Suit in equity to set aside the commission's order of April 3, 1928, denying application of the Piedmont & Northern Railway Co. for a certificate of public convenience and necessity under paragraphs (18) to (21), inclusive, of section 1 of the interstate commerce act, as modified by paragraph (22) of that section. 138 I. C. C. 363, Finance Docket No. 6208.

On May 22, 1928, the petition was filed. On June 28, 1928, after argument on the question, an order was entered by the district judge calling together a 3-judge court, and on June 29, 1928, the case was set for hearing on October 2, 1928. On October 3-4, 1928, the case was argued and submitted for decision, and on January 14, 1929, the petition was dismissed, and the order of the commission sustained. On June 13, 1929, the appeal was docketed in the Supreme Court.

*United States and Interstate Commerce Commission, appellants, v. Chicago, Milwaukee, St. Paul and Pacific Railroad Company, appellee.*

Suit in equity to enjoin the commission's certificate and order of January 4, 1928, 131 I. C. C. 673, and supplemental order of March 13, 1928, entered in F. D. 6240, *Chicago, Milwaukee & St. Paul Reorganization*, 138 I. C. C. 291, in so far as the authorization thereby given for issue of securities is conditioned upon the impounding by the carrier of a certain \$4 per share fund, and the requirement that that fund "shall not be paid out unless and until so



authorized by order of the court in respect to payments subject to the court's jurisdiction or by the commission."

On October 13, 1928, the petition was filed. On February 18, 1929, the case was argued and submitted for decision, and on June 24, 1929, a permanent injunction was granted, and the order of the commission, as to the \$1.50 trust fund, held invalid. On September 12, 1929, the appeal was docketed in the Supreme Court.

*The United States of America and Interstate Commerce Commission, appellants, v. Erie Railroad Company et al., appellees.*

Suit in equity to set aside and annul order of the commission dated November 2, 1928, in Docket No. 16531, *Hammerstey Manufacturing Co. v. Erie R. R. Co. et al.*, in so far as said order prescribes rates from Hoboken, N. J., to Garfield, N. J.

On December 17, 1928, the petition was filed. On December 18, 1928, the case was argued and submitted for decision on final hearing, and on December 26, 1928, a permanent injunction was granted. On January 29, 1929, the appeal was docketed in the Supreme Court.

#### DISTRICT COURTS OF THE UNITED STATES

*Standard Oil Company (Indiana), petitioner, v. The United States of America, The Atchison, Topeka & Santa Fe Railway Company et al., defendants, and Interstate Commerce Commission, intervening defendant.* Northern District of Indiana, Hammond Division.

Suit in equity to set aside the commission's orders of July 9, 1926, and January 9, 1929, dismissing the complaints in *Standard Oil Company (Indiana) v. Atchison, Topeka & Santa Fe Ry. Co. et al.*, Docket No. 15877, and *Same v. Same*, Docket No. 15878, seeking refund of alleged straight overcharges on various shipments of petroleum oils and gasoline. 113 I. C. C. 597, and 139 I. C. C. 297.

On June 28, 1929, the petition was filed, and on July 25, 1929, the intervention and answer of the commission were filed.

Pending hearing.

*Beaumont, Sour Lake & Western Ry. Co. et al., petitioners, v. United States, defendant, and Interstate Commerce Commission, intervening defendant.* Western District of Kansas, Western Division.

Suit in equity to set aside order of the commission entered on June 10, 1929, prescribing just, reasonable, and equitable divisions of joint rates between carriers in southwestern and western trunk-line territories, Docket No. 15234, 148 I. C. C. 457.

On July 22, 1929, the petition was filed, and on September 20, 1929, the case was submitted on final hearing.

Pending decision.

*Pittsburgh and Shawmut Coal Company, Title Guarantee & Trust Company, and J. J. Jermyn, complainants, v. Delaware & Northern Railroad Company, defendant.* Northern District of New York.

Petition and order to show cause why the receivers of the property of the Delaware & Northern should not be permitted to abandon the operation of the property of that company for common-carrier purposes, and to sell the property and distribute the proceeds of the sale to creditors and stockholders.

On May 24, 1921, the petition and order to show cause were served on the commission, and on May 17, 1923, the application was denied.

Pending further action.

*Carnegie Steel Company, plaintiff, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Western District of Pennsylvania.

Suit in equity to set aside the commission's amended order of June 4, 1925, 107 I. C. C. 676, Docket No. 15239, in so far as it denies to the Carnegie Steel Co. reparation on certain shipments of coal transported from points in Kentucky, Virginia, and West Virginia, to Clairton, Pa.

On October 18, 1926, the bill of complaint was filed, and on November 16 1926, the intervention and answer of the commission were filed.

Pending hearing.

*Pressed Steel Car Company, petitioner, v. The United States of America and Interstate Commerce Commission and the individual members of the commission, defendants.* District of New Jersey.

Suit in equity to set aside the commission's order of October 27, 1924, denying reparation, and to require the commission "to hold such further hearing and enter such further report and orders as may be necessary and appropriate under the provisions of the interstate commerce act for granting complainant such relief as it may be found to be entitled to obtain under the provisions of said act." 93 I. C. C. 224 and 109 I. C. C. 75.

On February 21, 1928, the petition was filed, and in March, 1928, the commission's motion to dismiss and answer were filed.

Pending hearing.

*F. C. Wallower and Harrison C. Rogers, Receivers for the Southwest Missouri Railroad Company, and the Southwest Missouri Railroad Company, petitioners, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Western District of Missouri.

Suit in equity to set aside the commission's order of May 2, 1928, 140 I. C. C. 627, I. & S., Docket No. 2990, requiring the Southwest Missouri to cancel its tariff I. C. C. No. 22, which provides for certain absorptions on account of drayage of ore shipped in carloads from points in Oklahoma to points in other States.

On May 31, 1928, the petition was filed. On June 18, 1928, the case was argued orally and submitted for decision, and on June 22, 1928, an interlocutory injunction was granted. On March 20, 1929, the injunction was vacated and the bill dismissed.

Pending further action.

*Riverside Mills, et al., complainants, v. The United States of America, Interstate Commerce Commission, Alabama Great Southern Railroad Company, et al., defendants.* Eastern District of Missouri.

Suit in equity to set aside the commission's order of April 5, 1927, in Dockets Nos. 13535, 14880, and others, *Consolidated Southwestern Cases*, 123 I. C. C. 203; 139 I. C. C. 535, requiring certain carriers to establish and put in force rates prescribed by the commission on classes and commodities, in carloads, between points within the southwest, and between points in western trunk-line territory, official classification territory, and southeastern territory, on the one hand, and southwestern territory on the other hand.

On July 2, 1928, the bill of complaint was filed. On July 9-10, 1928, the case was argued and submitted for decision, and on July 12, 1928, preliminary injunction was denied and the order of the commission sustained.

Pending further action.

*Akron, Canton & Youngstown Railway Company, et al., plaintiffs, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Northern District of Illinois, Eastern Division.

Suit in equity to set aside the commission's orders of December 29, 1926, and July 11, 1928, prescribing maximum reasonable rates based on distance for uniform application on fertilizer and fertilizer materials, in carloads, between points in central territory. 120 I. C. C. 361; 146 I. C. C. 419, Docket No. 15912.

On September 21, 1928, the bill of complaint was filed. On November 12, 1928, the case was argued and submitted for decision, and on May 23, 1929, the injunction was denied and the bill dismissed for want of equity. On August 30, 1929, final decree was entered.

Pending further action.

*The Baltimore and Ohio Railroad Company et al., complainants, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Southern District of Ohio, Eastern Division.

Suit in equity to set aside and annul orders of the commission, dated July 14, 1928, September 7, 1928, and October 13, 1928, prescribing reasonable rates on livestock from Central Freight Association points to eastern destinations. 144 I. C. C. 731.

On October 18, 1928, the bill of complaint was filed; and on October 24, 1928, an amended bill of complaint was filed. On October 24, 1928, the intervention



and answer of the commission were filed, the case was argued orally, and application for restraining order dismissed.

Pending further action.

*Brooks-Scanlon Corporation et al., petitioners, v. United States of America and Interstate Commerce Commission, defendants.*

*Wilson Lumber Company of Florida, plaintiff, v. United States, defendant, and Interstate Commerce Commission, intervening defendant.*

*State of Florida et al., as and constituting Florida R. R. Commission, petitioners, v. United States of America and Interstate Commerce Commission, defendants.* Northern District of Georgia, Atlanta Division.

Suits in equity to enjoin the commission's order of August 2, 1928, in *Georgia Public Service Commission v. Atlantic Coast Line Railroad Company*, 146 I. C. C. 717, Docket 18364, prescribing reasonable rates on logs, in carloads, from certain points in Florida to destinations in Georgia; and also prescribing for intrastate application in the State of Florida rates which will be the same as those prescribed for transportation in interstate commerce from points in Florida to destinations in Georgia.

The bills of complaint were filed in November, 1928; and on January 3-4, 1929, the case was argued and submitted for decision on final hearing. On January 17, 1929, a final decree was entered, denying the injunction and dismissing the petition. On March 7-8, 1929, the case was reargued and submitted for decision; and on March 22, 1929, the commission's order was sustained.

Pending appeal.

*Chesapeake and Ohio Railway Company, plaintiff, v. United States of America, Guyandot and Tug River Railroad Company, and Norfolk and Western Railway Company, defendants, and Interstate Commerce Commission, intervening defendant.* Southern District of West Virginia.

Suit in equity to enjoin, set aside, annul, and suspend that portion of the commission's order of July 23, 1928, in Finance Docket No. 6067, *Construction of Line by Virginian & Western Ry. Co.*, as amended by its order of November 1, 1928, which authorized the Guyandot & Tug River R. R. Co. to construct and operate a line of railroad from Wharnccliffe, W. Va., to Gilbert, W. Va. 145 I. C. C. 167.

On December 8, 1928, the petition was filed; and on January 3-4, 1929, the case was argued orally and submitted for decision.

Pending decision.

*Atlantic Coast Line Railroad Company et al., plaintiffs, v. United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Eastern District of Virginia.

Suit in equity to set aside the commission's order, dated February 12, 1929, prescribing maximum reasonable refrigeration charges on fruits, vegetables, etc., from points in Florida, South Carolina, North Carolina, Georgia, and Virginia, to destinations in trunk-line and New England territories. 151 I. C. C. 649, Docket No. 17936.

On April 17, 1929, the bill of complaint was filed. On April 23, 1929, the case was argued and submitted for decision; and on April 26, 1929, the preliminary injunction was denied and the commission's order was sustained.

Pending further action.

*Winter-Loeb Grocery Company et al., complainants, v. The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Southern District of Alabama.

Suit in equity to set aside, and for a stay of, the commission's order of June 10, 1929, postponing indefinitely the effective date of its order of November 27, 1926 (Docket No. 15082, 118 I. C. C. 732), in respect of undue preference and prejudice, and reopening the proceedings as to those matters in connection with Docket No. 17000, part 7-A, *Grain and Grain Products, Southern Territory Rates.*

On June 20, 1929, the bill of complaint was filed. On July 5, 1929, the case was argued and submitted for decision; and on July 11, 1929, the injunction was denied and the order of the commission sustained.

Pending further action.



*The Pittsburgh & West Virginia Railway Company, plaintiff, v. The Wheeling & Lake Erie Railway Company, et al., The United States of America, and Interstate Commerce Commission, defendants.* Northern District of Ohio, Eastern Division.

Suit in equity to set aside the commission's order of July 9, 1929, in F. D. 7298 and 7299, authorizing abandonment of station and terminal line and facilities in Cleveland, use of line and new union station of Cleveland Union Terminal Company, when built, and temporary use of line and station of Erie Railroad, pending building of new union station. 154 I. C. C. 516.

On August 7, 1929, the bill of complaint was filed. On September 10, 1929, the answer of the commission was filed and the case was argued and submitted for decision. On September 17, 1929, brief for the commission was filed.

Pending decision.

*The New York Central Securities Corporation, petitioner, v. The United States of America, the Interstate Commerce Commission, The New York Central Railroad Company, The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, and The Michigan Central Railroad Company, defendants.* Southern District of New York.

Suit in equity to set aside the commission's order of July 2, 1929, in F. D. No. 5690. *Acquisition of Control by New York Central Railroad Company*, and F. D. No. 5688, *Acquisition of Control by Cleveland, Cincinnati, Chicago & St. Louis Railway Company*, authorizing the acquisition by lease of the Cincinnati Northern Railroad Company, and of the Evansville, Indianapolis & Terre Haute Railway Company by the Cleveland, Cincinnati, Chicago & St. Louis Railway Company, and the acquisition by lease of the Cleveland, Cincinnati, Chicago & St. Louis Railway Company and certain controlled lines by the New York Central Railroad Company. 150 I. C. C. 278, and 154 I. C. C. 489.

On August 21, 1929, the petition was filed, and on October 11, 1929, the answer of the commission was filed.

Pending hearing.

*Alton & Eastern Railroad Company, plaintiff, v. United States of America, Interstate Commerce Commission, et al., defendants.* Southern District of Illinois, Southern Division.

Suit in equity seeking injunction to restrain the United States, the Interstate Commerce Commission, and certain railway companies from rerouting traffic in petroleum and petroleum products, as provided for in Southwestern Lines Tariff No. 125-E, I. C. C. No. 2138.

On October 17, 1929, the petition was filed.

#### COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

*Interstate Commerce Commission, appellant, v. United States of America ex rel. Capital Grain & Feed Company, et al., appellees.*

Petition for writ of mandamus to compel the commission to determine whether or not petitioners were subjected to the payment of charges on grain which were unreasonable, and if so, to award damages in the amount so found, as required by law. Docket No. 15082, 118 I. C. C. 732.

On November 15, 1928, the petition was filed, and on November 23, 1928, the order to show cause was issued. On February 5, 1929, the case was argued and submitted for decision, and on April 19, 1929, the writ of mandamus was ordered issued. On June 19, 1929, the case was docketed on appeal to the Court of Appeals of the District of Columbia. On October 7, 1929, the case was argued and submitted for decision.

*Interstate Commerce Commission, appellant, v. United States of America ex rel. Ralston Purina Company, et al., appellees.*

Petition for writ of mandamus to compel the commission to determine whether or not petitioners were subjected to the payment of charges on grain shipped to them at Nashville, Tenn., which were unreasonable, and if so, to award damages for the amount so found, as required by law. Docket No. 15292, 118 I. C. C. 748.

On December 17, 1928, the petition was filed, and on December 19, 1928, the order to show cause was issued. On February 5, 1929, the case was argued and submitted for decision, and on April 19, 1929, the writ of mandamus was ordered issued. On June 19, 1929, the case was docketed on appeal to the Court

of Appeals of the District of Columbia. On October 7, 1929, the case was argued and submitted for decision.

*Southern Transportation Company, et al., appellants, v. Interstate Commerce Commission, appellee.*

Suit in equity to set aside, annul, and enjoin the commission's order of September 13, 1928, in Docket No. 14877, *Southern Transportation Co., et al. v. Norfolk & Western Ry. Co., et al.*, dismissing a complaint asking for reparation on account of payment of wharfage charges, by owners of vessels taking on bunker coal at coal-loading docks at Norfolk, Va., to owners of said docks, which were not published or filed in accordance with section 6 of the interstate commerce act when they were collected by the carriers. 107 I. C. C. 29.

On February 12, 1929, the petition was filed. On April 24, 1929, the case was argued and submitted for decision, and on May 28, 1929, the petition was dismissed. On July 2, 1929, the case was docketed on appeal to the Court of Appeals of the District of Columbia.

Pending hearing.

*Interstate Commerce Commission, appellant, v. Northern Pacific Railway Company, Great Northern Railway Company, Chicago, Milwaukee, St. Paul & Pacific Railroad Company, and Chicago, Burlington & Quincy Railroad Company, appellees.*

Petition for writ of mandamus to compel the commission to enter upon an investigation pursuant to petition filed with it on April 15, 1929, by the Northern Pacific Railway Company and other carriers, in which complaint is made that certain intrastate rates in Montana violate section 13 of the act.

On July 23, 1929, the petition was filed, and order to show cause, returnable August 15, 1929, issued. On September 25, 1929, the case was argued orally and submitted for decision, and the writ of mandamus ordered issued. On October 17, 1929, the case was docketed on appeal to the Court of Appeals of the District of Columbia.

#### SUPREME COURT OF THE DISTRICT OF COLUMBIA

*United States of America ex rel. United Railway Company, a corporation, plaintiff, v. Interstate Commerce Commission, respondent.*

Petition for writ of mandamus to compel the commission to ascertain the amount of the carrier's deficit for the Federal control period and to certify to the Secretary of the Treasury that the amount is payable to the carrier under section 204 of the transportation act, 1920. 86 I. C. C. 661.

On March 16, 1926, the petition was filed, and on March 25, 1926, the answer of the commission was filed.

Pending further action.

*United States ex rel. Empire and Southeastern Railway Company, a branch of the T. Wilce Company, relator, v. Interstate Commerce Commission, respondent.*

Petition for writ of mandamus to compel the commission to accord to the relator hearing on its deficit claim under section 204 of the transportation act. 117 I. C. C. 609. Finance Docket No. 5735.

On October 27, 1928, the petition was filed, and on May 13, 1929, after oral argument, the petition was dismissed.

Pending appeal.





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## APPENDIX C

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### STATISTICAL SUMMARIES

- A. Statistics of Railway Development since 1910.
  - B. Statistics from Monthly and other Periodical Reports of Carriers.
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## A. STATISTICS OF RAILWAY DEVELOPMENT

In the following tables slight adjustments have been made in some of the figures heretofore published, in order to allow as fully as possible for changes in methods of compilation. It should be observed also that the figures in this section for the last calendar year are based on special and preliminary compilations, made mostly from annual reports of railway companies, and are subject to changes necessitated by subsequent corrections in returns or otherwise.

**TABLE I.—***Mileage operated and mileage owned by steam railways in the United States, not including switching and terminal companies, 1910–1928*

Year ended—	Miles of road owned in the United States <sup>1</sup>	Mileage operated by railways of Classes I, II, and III (including trackage rights)			
		Miles of road	Miles of second or additional main tracks	Miles of yard tracks and sidings	Miles of all tracks
June 30—					
1910.....	240, 293	240, 831	25, 354	85, 582	351, 767
1911.....	243, 979	246, 238	27, 612	88, 974	362, 824
1912.....	246, 777	249, 852	29, 367	92, 019	371, 238
1913.....	249, 777	253, 470	30, 827	95, 211	379, 508
1914.....	252, 105	256, 547	32, 376	98, 285	387, 208
1915.....	253, 789	257, 569	33, 662	99, 910	391, 141
1916.....	254, 251	259, 211	33, 864	101, 869	394, 944
Dec. 31—					
1916.....	254, 037	259, 705	34, 325	102, 984	397, 014
1917.....	253, 626	259, 705	35, 066	105, 582	400, 353
1918.....	253, 529	258, 507	36, 228	107, 608	402, 343
1919.....	253, 152	258, 525	36, 730	108, 637	403, 892
1920.....	252, 845	259, 941	36, 894	109, 744	406, 579
1921.....	251, 176	258, 362	37, 614	111, 555	407, 531
1922.....	250, 413	257, 425	37, 888	114, 046	409, 359
1923.....	250, 222	258, 084	38, 697	116, 212	412, 993
1924.....	250, 156	258, 238	39, 916	116, 874	415, 028
1925.....	249, 398	258, 631	40, 962	118, 361	417, 954
1926.....	249, 138	258, 815	41, 686	120, 840	421, 341
1927.....	249, 131	259, 639	42, 071	123, 027	424, 737
1928.....	249, 309	260, 546	42, 432	124, 772	427, 750

<sup>1</sup> Includes mileage of some small companies that do not make annual reports to the commission.

**TABLE II.—***Equipment of steam railways in service at the close of each year, 1910–1928 <sup>1</sup>*

Year ended—	Number of locomotives	Average tractive power	Number of freight cars (excluding cabooses)	Average capacity	Number of passenger-train cars
June 30—		<i>Pounds</i>		<i>Tons</i>	
1910.....	60, 019	27, 282	2, 148, 478	35. 9	47, 179
1911.....	62, 463	28, 291	2, 208, 997	36. 9	49, 906
1912.....	63, 463	29, 049	2, 229, 163	37. 4	51, 583
1913.....	65, 597	30, 258	2, 293, 478	38. 3	52, 717
1914.....	67, 012	31, 006	2, 349, 734	39. 1	54, 492
1915.....	66, 502	31, 501	2, 341, 567	39. 7	55, 810
1916.....	65, 314	32, 380	2, 313, 378	40. 5	54, 774
Dec. 31—					
1916.....	65, 595	32, 840	2, 329, 475	40. 9	55, 193
1917.....	66, 070	33, 932	2, 379, 472	41. 5	55, 939
1918.....	67, 936	34, 995	2, 397, 943	41. 6	56, 611
1919.....	68, 977	35, 789	2, 426, 889	41. 9	56, 290
1920.....	68, 942	36, 365	2, 388, 424	42. 4	56, 102
1921.....	69, 122	36, 935	2, 378, 510	42. 5	56, 950
1922.....	68, 518	37, 441	2, 352, 483	43. 1	56, 827
1923.....	69, 414	39, 177	2, 379, 131	43. 8	57, 159
1924.....	69, 486	39, 891	2, 411, 627	44. 3	57, 451
1925.....	68, 092	40, 666	2, 414, 083	44. 8	56, 814
1926.....	66, 847	41, 886	2, 403, 967	45. 1	56, 855
1927.....	65, 343	42, 798	2, 378, 800	45. 5	55, 729
1928.....	63, 311	43, 833	2, 346, 751	45. 8	54, 800

<sup>1</sup> The figures relating to the number of locomotives and cars as published have been adjusted to cover all operating roads each year, but the figures showing average tractive power of locomotives and average capacity of freight cars are as published in the Statistics of Railways. The fact that the same classes of railways have not been covered each year affects these averages only slightly. Privately owned cars are not included.



TABLE III.—*Railway capital actually outstanding and net income, 1910–1928: Steam railways, excluding switching and terminal companies*

Year ended—	Total railway capital	Funded debt	Stock	Ratio of debt to capital	Net income	Ratio of net income to stock
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Per cent</i>		<i>Per cent</i>
1910.....	\$17,774,426	\$9,763,696	\$8,010,730	54.9	\$583,191,124	7.28
1911.....	18,437,820	10,074,545	8,363,275	54.6	547,280,771	6.54
1912.....	18,989,345	10,436,898	8,552,447	55.0	453,125,324	5.30
1913.....	19,028,535	10,428,543	8,599,992	54.8	544,201,074	6.33
1914.....	19,401,083	10,746,868	8,654,215	55.4	395,631,642	4.57
1915.....	19,719,893	11,084,574	8,635,319	56.2	354,786,729	4.11
1916.....	19,681,193	10,938,086	8,743,106	55.6	671,398,243	7.68
Dec. 31—						
1916.....	19,630,610	10,875,206	8,755,403	55.4	735,341,165	8.40
1917.....	19,764,941	10,761,145	9,003,796	54.5	658,224,696	7.31
1918.....	19,453,272	10,606,556	8,846,716	54.5	442,336,131	5.00
1919.....	19,539,283	10,656,158	8,883,124	54.5	496,699,104	5.59
1920.....	20,098,046	11,274,946	8,843,100	56.0	481,950,969	5.45
1921.....	20,247,686	11,357,766	8,889,920	56.1	350,539,608	3.94
1922.....	20,463,595	11,501,958	8,961,636	56.2	434,459,186	4.85
1923.....	21,057,513	11,964,580	9,092,933	56.8	632,117,581	6.95
1924.....	21,680,783	12,380,730	9,300,053	57.1	623,399,393	6.70
1925.....	21,734,095	12,320,995	9,413,100	56.7	771,053,077	8.19
1926.....	21,748,806	12,383,534	9,365,271	56.9	883,421,795	9.43
1927.....	21,848,928	12,309,438	9,539,490	56.3	741,923,916	7.78
1928.....	22,025,588	12,303,510	9,722,078	55.9	855,017,540	8.79

TABLE IV.—*Dividends, 1910–1928: Steam railways, excluding switching and terminal companies*

Year ended—	Proportion of stock paying dividends <sup>1</sup>	Amount of dividends <sup>1</sup>	Average rate on	
			Dividend-paying stock <sup>1</sup>	All stock
June 30—	<i>Per cent</i>		<i>Per cent</i>	<i>Per cent</i>
1910.....	66.71	\$405,771,416	7.50	5.00
1911.....	67.65	460,195,376	8.03	5.42
1912.....	64.73	400,315,313	7.17	4.64
1913.....	66.14	369,077,546	6.38	4.22
1914.....	64.39	451,653,346	7.97	5.13
1915.....	60.45	328,477,938	6.29	3.80
1916.....	60.38	342,109,396	6.48	3.91
Dec. 31—				
1916.....	62.02	366,561,494	6.75	4.19
1917.....	62.32	381,851,548	6.81	4.24
1918.....	58.09	339,185,658	6.60	3.83
1919.....	59.64	335,241,935	6.33	3.77
1920.....	57.30	331,102,938	6.52	3.74
1921.....	56.92	456,482,092	9.02	5.13
1922.....	59.38	338,805,695	6.37	3.78
1923.....	62.09	411,881,766	7.30	4.53
1924.....	64.97	385,129,890	6.37	4.14
1925.....	66.70	409,645,051	6.52	4.35
1926.....	69.12	473,682,830	7.32	5.06
1927.....	70.25	567,280,717	8.47	5.95
1928.....	73.65	510,017,987	7.12	5.25

<sup>1</sup> Includes figures for lessors and operating railways without excluding duplications.

TABLE V.—*Reported property investment and certain income items, 1910–1928: Operating steam railways, excluding switching and terminal companies*

Year ended—	Investment <sup>1</sup>	Investment per mile of road	Depreciation reserve <sup>2</sup>	Net railway operating income <sup>3</sup>	Other income <sup>4</sup>	Interest, rents, and other deductions <sup>5</sup>	Dividends declared
June 30—	<i>Thousands</i>		<i>Thousands</i>	<i>Thousands</i>			
1910 <sup>6</sup> .....	\$14,557,816	\$64,382	7 \$210,465	\$805,097	\$222,914,561	\$511,416,980	\$351,202,272
1911.....	15,612,378	66,515	7 259,661	744,669	276,361,692	529,919,727	403,417,363
1912.....	16,004,744	67,397	7 327,846	727,458	221,591,272	549,229,407	347,354,133
1913.....	16,588,603	69,780	7 435,834	806,800	243,599,221	564,413,747	327,967,396
1914.....	17,153,785	72,078	511,451	674,189	246,186,804	576,486,952	380,339,400
1915.....	17,441,420	73,207	571,359	694,276	189,300,358	575,197,902	264,267,107
1916.....	17,689,425	73,794		1,002,934	195,457,547	594,378,443	286,618,168
Dec. 31—							
1916.....	17,842,776	74,465	628,934	1,058,505	213,324,109	623,179,643	311,876,409
1917.....	18,574,297	77,162	796,395	950,556	7 233,252,283	7 574,290,447	325,600,752
1918.....	18,984,756	78,820	936,978	646,223	( <sup>8</sup> )	7 667,587,844	279,929,286
1919.....	19,300,120	79,974	1,009,321	454,132	( <sup>8</sup> )	7 630,558,985	281,569,422
1920.....	19,849,319	81,954	1,083,540	12,100	( <sup>8</sup> )	7 640,515,977	275,348,254
1921.....	20,329,223	84,530	1,239,418	601,138	7 375,000,544	7 662,375,138	403,990,775
1922.....	20,580,168	86,003	1,338,401	769,411	7 265,032,855	7 655,646,742	275,721,615
1923.....	21,372,858	89,619	1,411,100	974,917	7 260,655,476	7 667,615,629	353,126,804
1924.....	22,182,267	93,232	1,552,886	984,463	7 269,187,830	7 684,558,676	325,983,454
1925.....	<sup>9</sup> 23,230,916	94,917	1,684,320	1,136,728	7 268,142,018	7 688,386,995	349,089,172
1926.....	<sup>10</sup> 23,880,740	97,433	1,815,373	1,229,020	7 297,929,200	7 701,964,964	411,207,813
1927.....	<sup>11</sup> 24,453,871	99,546	1,952,176	1,077,842	7 311,198,385	7 706,284,071	503,145,871
1928.....	<sup>12</sup> 24,875,984	100,974	2,049,962	1,182,457	7 320,011,315	7 706,051,831	436,216,604

<sup>1</sup> The figures shown for the years 1910 to 1924 inclusive include investment of leased lines and exclude investment of proprietary companies which do not render annual reports; notably the proprietary roads in the Baltimore & Ohio system. They include some duplications in the Atchison, Topeka & Santa Fe system. If these facts were taken into account, the total shown for 1919, as compiled in a special statement, would be increased to approximately \$19,565,646.08, not including the investment of switching and terminal companies, amounting to \$502,135,624.

<sup>2</sup> Includes depreciation on "Miscellaneous physical property."

<sup>3</sup> This term as defined in the interstate commerce act means "railway operating income, including in the computation thereof debits and credits arising from equipment rents and joint facility rents."

<sup>4</sup> Includes amounts received as interest or dividends on railroad securities owned by reporting carriers. See Statistics of Railways, Statement No. 34.

<sup>5</sup> These correspond approximately to what are commonly called "fixed charges."

<sup>6</sup> Investment for 1910 originally published is increased by \$170,000,000, estimated reserve for accrued depreciation to make totals comparable with those for other years.

<sup>7</sup> Does not include returns for Class II and Class III railways.

<sup>8</sup> Reported figures not comparable with those for other years on account of Federal control accounting requirements.

<sup>9</sup> Includes \$493,922,931 investment of proprietary companies.

<sup>10</sup> Includes \$831,574,153 investment of proprietary companies.

<sup>11</sup> Includes \$919,095,241 investment of proprietary companies.

<sup>12</sup> Includes \$1,013,752,199 investment of proprietary companies.

TABLE VI.—*Operating revenues, operating expenses, and taxes, 1910–1928*

Year ended—	Operating revenues	Operating expenses	Railway tax accruals	Ratio to revenues		
				Maintenance of way and structures	Maintenance of equipment	Total operating expenses
June 30—	<i>Thousands</i>	<i>Thousands</i>		<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>
1910 <sup>1</sup> .....	\$2,812,141	\$1,881,879	\$103,853,576	13.10	14.69	66.92
1911 <sup>1</sup> .....	2,852,854	1,976,331	108,309,512	12.83	15.02	69.28
1912 <sup>1</sup> .....	2,906,415	2,035,057	120,091,534	12.64	15.50	70.02
1913 <sup>1</sup> .....	3,208,647	2,249,277	128,024,867	13.25	16.00	70.10
1914 <sup>1</sup> .....	3,126,520	2,279,408	141,225,691	13.55	17.09	72.91
1915 <sup>1</sup> .....	2,956,193	2,088,682	139,298,167	12.91	17.25	70.65
1916 <sup>1</sup> .....	3,472,641	2,277,202	151,599,841	12.14	16.42	65.58
Dec. 31—						
1916.....	3,691,065	2,426,250	163,450,852	11.90	16.50	65.73
1917.....	4,115,413	2,906,283	220,586,491	11.03	17.11	70.62
1917 <sup>2</sup> .....	4,014,142	2,829,325	215,861,346	11.01	17.08	70.48
1918 <sup>2</sup> .....	<sup>3</sup> 4,880,202	<sup>4</sup> 3,971,870	224,599,115	13.31	22.55	81.39
1919 <sup>2</sup> .....	<sup>3</sup> 5,144,466	<sup>4</sup> 4,378,285	233,716,608	15.00	23.79	85.11
1920 <sup>2</sup> .....	6,178,120	5,830,620	283,813,929	16.71	25.74	94.38
1921 <sup>2</sup> .....	5,516,598	4,562,663	277,899,481	13.71	22.69	82.71
1922 <sup>2</sup> .....	5,559,092	4,414,522	302,195,425	13.11	22.53	79.41
1923 <sup>2</sup> .....	6,289,580	4,895,166	333,033,580	12.94	23.29	77.83
1924 <sup>2</sup> .....	5,921,496	4,507,885	342,449,048	13.39	21.28	76.13
1925 <sup>2</sup> .....	6,122,509	4,536,880	360,250,671	13.34	20.58	74.10
1926 <sup>2</sup> .....	6,382,939	4,669,336	388,922,856	13.58	20.10	73.15
1927 <sup>2</sup> .....	6,136,300	4,574,177	376,110,250	14.15	19.87	74.54
1928 <sup>2</sup> .....	6,111,736	4,427,995	389,432,415	13.71	19.09	72.45

<sup>1</sup> Roads of Classes I, II, and III.

<sup>2</sup> Class I railways only.

<sup>3</sup> Excludes corporate revenues of companies whose properties were under Federal control.

<sup>4</sup> Excludes corporate expenses of companies whose properties were under Federal control.

TABLE VII.—*Number and compensation of employees, 1910-1928*

Year ended—	Average number of employees during year	Compensation of railway employees <sup>1</sup>		
		Total	Ratio to revenues	Ratio to expenses
June 30—		<i>Thousands</i>	<i>Per cent</i>	<i>Per cent</i>
1910 <sup>2</sup>		\$1,143,725	40.67	60.78
1911 <sup>2</sup>		1,203,466	42.36	61.15
1912 <sup>2</sup>		1,252,347	43.00	61.54
1913 <sup>2</sup>		1,381,334	43.05	61.41
1914 <sup>2</sup>		1,381,117	44.17	60.59
1915 <sup>2</sup>		1,242,319	42.02	59.48
1916 <sup>2</sup>		1,403,968	40.43	61.65
Dec. 31—				
1916 <sup>2</sup>		1,506,960	40.83	62.11
1917 <sup>2</sup>		1,783,214	43.33	61.36
1918 <sup>2</sup>		1,732,876	43.33	61.48
1919 <sup>2</sup>	<sup>3</sup> 1,837,663	1,739,482	43.33	61.48
1920 <sup>2</sup>	<sup>4</sup> 1,908,169	2,606,284	53.40	65.62
1921 <sup>2</sup>	<sup>4</sup> 2,022,832	2,828,014	54.97	64.59
1922 <sup>2</sup>		3,681,801	59.59	62.15
1923 <sup>2</sup>		2,765,218	50.13	60.61
1924 <sup>2</sup>		1,626,834	47.50	59.82
1925 <sup>2</sup>		1,857,674	47.76	61.37
1926 <sup>2</sup>		1,751,362	47.72	62.69
1927 <sup>2</sup>		1,744,311	46.72	63.05
1928 <sup>2</sup>		1,779,275	46.16	63.09
		2,910,182	47.43	63.62
		1,735,105	46.25	63.83
		1,656,411		

<sup>1</sup> In 1928, 93.05 per cent of the reported compensation was chargeable to operating expenses.

<sup>2</sup> Railways of Classes I, II, and III, excluding switching and terminal companies.

<sup>3</sup> Class I railways only, excluding switching and terminal companies.

<sup>4</sup> Data for 1918 and 1919 do not cover employees of corporate organizations whose properties were under Federal control.

TABLE VIII.—*Transportation service performed by steam railways, 1910-1928, excluding switching and terminal companies*

Year ended—	Freight service					Passenger service		
	Revenue tons originated	Revenue tons carried 1 mile	Loaded car-miles	Average haul		Passengers carried	Passenger-miles	Average journey per passenger
				United States as a system	For the individual road			
June 30—	<i>Thousands</i>	<i>Millions</i>	<i>Millions</i>	<i>Miles</i>	<i>Miles</i>	<i>Millions</i>	<i>Millions</i>	<i>Miles</i>
1910	1,026,491	255,017	12,851	249.68	138.31	972	32,338	33.50
1911	1,003,053	253,784	12,859	254.10	142.88	997	33,202	33.48
1912	1,031,206	264,081	13,081	256.87	143.44	1,004	33,132	33.18
1913	1,182,547	301,730	14,292	255.15	144.40	1,044	34,673	33.31
1914	1,129,992	288,637	13,688	255.43	144.17	1,063	35,357	33.25
1915	1,023,802	277,135	13,111	270.69	151.55	986	32,475	32.95
1916	1,262,862	343,477	15,343	271.98	152.25	1,015	34,309	33.79
Dec. 31—								
1916	1,317,245	366,174	16,042	277.98	155.99	1,049	35,220	33.58
1917	1,382,004	398,263	16,088	288.18	162.33	1,110	40,100	36.13
1918	1,376,844	408,778	15,163	296.89	165.02	1,123	43,212	38.48
1919	1,189,765	367,161	14,433	308.60	168.02	1,211	46,838	38.68
1920	1,362,999	413,699	15,489	308.52	170.41	1,270	47,370	37.30
1921	1,017,817	309,533	12,591	304.11	171.12	1,061	37,706	35.53
1922	1,111,822	342,188	14,077	307.77	173.29	990	35,811	36.19
1923	1,387,754	416,256	16,532	299.94	166.29	1,099	38,294	37.97
1924	1,287,412	391,945	16,020	304.44	168.12	950	36,368	38.26
1925	1,351,155	417,418	17,001	308.93	169.43	902	36,167	40.10
1926	1,439,612	447,444	17,925	310.81	170.29	875	35,673	40.79
1927	1,372,547	432,014	17,561	314.75	172.11	840	33,798	40.23
1928	1,371,359	436,087	17,938	318.00	174.14	798	31,718	39.72



TABLE IX.—*Carload, trainload, and density of traffic, 1910-1928*

Year ended—	Tons per loaded freight car	Revenue tons per train	Passengers per car	Passengers per train	Revenue ton-miles per mile of road	Passenger-miles per mile of road
June 30—						
1910 <sup>1</sup> .....	19.84	380	16	56	1,071,086	138,169
1911 <sup>1</sup> .....	19.74	383	16	55	1,053,566	139,191
1912 <sup>1</sup> .....	20.18	407	15	53	1,078,580	136,699
1913 <sup>2</sup> .....	21.11	445	15	55	1,245,158	143,067
1914 <sup>2</sup> .....	21.09	452	15	56	1,176,923	144,278
1915 <sup>2</sup> .....	21.15	474	15	53	1,121,059	131,165
1916 <sup>2</sup> .....	22.40	535	15	55	1,380,349	137,818
Dec. 31—						
1916 <sup>2</sup> .....	22.83	550	15	56	1,470,274	141,305
1916 <sup>3</sup> .....	<sup>4</sup> 24.98	560	16	57	1,569,084	149,795
1917 <sup>3</sup> .....	<sup>4</sup> 27.02	597	17	65	1,698,825	170,088
1918 <sup>3</sup> .....	<sup>4</sup> 29.30	628	20	76	1,738,305	183,066
1919 <sup>3</sup> .....	<sup>4</sup> 27.66	631	21	82	1,558,081	198,345
1920 <sup>3</sup> .....	<sup>4</sup> 29.13	647	20	80	1,748,451	199,708
1921 <sup>3</sup> .....	<sup>4</sup> 27.32	579	16	67	1,308,938	159,551
1922 <sup>3</sup> .....	<sup>4</sup> 26.65	611	16	65	1,444,840	151,410
1923 <sup>3</sup> .....	<sup>4</sup> 27.83	644	16	67	1,754,901	161,777
1924 <sup>3</sup> .....	<sup>4</sup> 26.88	647	15	63	1,649,318	153,618
1925 <sup>3</sup> .....	<sup>4</sup> 26.86	675	15	63	1,749,147	152,319
1926 <sup>3</sup> .....	<sup>4</sup> 27.35	701	14	61	1,875,304	150,280
1927 <sup>3</sup> .....	<sup>4</sup> 27.06	702	14	59	1,801,414	141,800
1928 <sup>3</sup> .....	<sup>4</sup> 26.59	718	13	56	1,802,703	131,971

<sup>1</sup> Class I, Class II, and Class III railways.<sup>2</sup> Class I and Class II railways.<sup>3</sup> Class I railways only.<sup>4</sup> Includes nonrevenue tonnage.TABLE X.—*Average receipts per ton, per ton-mile, per passenger, and per passenger-mile, 1910-1928*

Year ended—	Average amount received for each ton originated	Revenue per ton-mile	Average receipts per passenger	Revenue per passenger-mile
June 30—		<i>Cents</i>		<i>Cents</i>
1910.....	\$1.876	0.753	\$0.646	1.938
1911.....	1.920	.757	.658	1.974
1912.....	1.909	.744	.657	1.987
1913.....	1.869	1.729	1.672	12.008
1914.....	1.881	.737	.662	1.990
1915.....	1.991	.735	.656	1.991
1916.....	1.955	.719	.679	2.010
Dec. 31—				
1916.....	1.997	.719	.689	2.051
1917.....	2.096	.728	.758	2.097
1918.....	2.558	.862	.932	2.421
1919.....	3.047	.987	.985	2.548
1920.....	3.243	1.069	1.027	2.755
1921.....	3.934	1.294	1.099	3.093
1922.....	3.675	1.194	1.099	3.037
1923.....	3.396	1.132	1.149	3.026
1924.....	3.447	1.132	1.142	2.985
1925.....	3.440	1.114	1.181	2.944
1926.....	3.408	1.096	1.200	2.941
1927.....	3.445	1.095	1.167	2.901
1928.....	3.479	1.094	1.134	2.854

<sup>1</sup> Class I and II railways.

TABLE XI.—*Fuel consumed by locomotives, and rails and ties laid, Class I steam railways, not including switching and terminal companies*

Year ended <sup>1</sup> —	Bituminous coal	Anthracite coal	Fuel oil	Total fuel <sup>2</sup>	Rails applied in replacement and betterment	Ties laid in previously constructed tracks	
						Crossties	Switch and bridge ties
Dec. 31—	<i>Net tons</i>	<i>Net tons</i>	<i>Gallons</i>	<i>Net tons</i>	<i>Long tons</i>	<i>Number</i>	<i>Feet (b. m.)</i>
1917.....	133,421,457	5,293,301	1,804,889,338	150,230,647	2,046,575	79,070,201	203,526,311
1918.....	134,214,480	3,615,697	1,638,956,953	148,122,435	1,883,393	76,139,310	222,927,474
1919.....	119,692,067	2,981,959	1,586,061,174	132,620,935	2,335,300	80,903,216	248,440,195
1920.....	135,413,695	3,860,970	1,929,670,624	151,405,712	2,506,961	86,829,307	246,195,929
1921.....	107,910,146	2,643,724	1,661,443,618	121,006,242	2,588,313	86,521,566	256,287,730
1922.....	113,163,083	2,472,652	1,828,125,050	127,213,343	2,618,556	86,641,834	258,186,478
1923.....	131,491,561	2,614,576	2,334,365,782	148,921,714	3,138,972	84,434,985	277,615,107
1924.....	117,247,005	2,678,601	2,475,896,579	135,617,320	3,184,536	83,073,059	291,288,388
1925.....	117,714,426	2,174,143	2,457,826,755	135,419,983	3,484,641	82,716,674	232,629,608
1926.....	122,822,853	2,005,403	2,459,677,722	140,425,844	3,818,127	80,745,509	275,971,880
1927.....	115,882,570	1,603,109	2,429,935,486	132,945,460	3,819,115	78,340,182	259,996,468
1928.....	112,381,588	1,490,261	2,493,144,359	129,742,475	3,805,651	77,370,941	269,149,270

<sup>1</sup> Data not compiled prior to 1917.<sup>2</sup> In the statement of consumption of fuel by locomotives, 1 cord of hardwood is considered as equivalent to two-thirds of a ton of fuel; and 1 cord of softwood as equivalent to one-half of a ton of fuel. The ratio used in reducing fuel oil to tons of fuel is left to the experience of each road. Figures include data for cordwood; also a small amount of miscellaneous fuel.TABLE XII.—*Selected data from annual reports of Class I steam railways, 1911-1928, by districts*

## UNITED STATES

Year ended—	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation-rail line	
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>
1911.....	\$2,752,497	\$1,902,994	\$348,004	\$415,590	\$954,350	\$724,185
1912.....	2,805,007	1,959,095	348,471	436,995	984,852	708,484
1913.....	3,108,361	2,173,463	406,042	499,988	1,068,018	787,610
1914.....	3,031,327	2,203,424	403,683	520,200	1,073,981	661,018
1915.....	2,871,563	2,021,161	364,004	496,740	1,002,741	683,105
1916.....	3,381,598	2,210,893	404,514	557,664	1,080,798	984,873
Dec. 31—						
1916.....	3,596,866	2,357,398	421,776	595,566	1,164,274	1,040,085
1917.....	4,014,143	2,829,325	442,110	685,429	1,506,545	1,934,829
1918.....	4,880,953	3,982,068	649,795	1,103,031	2,019,530	638,569
1919.....	5,144,795	4,399,716	772,186	1,226,532	2,157,058	454,985
1920.....	6,178,121	5,830,620	1,032,540	1,590,365	2,891,662	17,227
1921.....	5,516,598	4,562,668	756,414	1,251,479	2,252,091	600,937
1922.....	5,559,093	4,414,522	728,664	1,252,517	2,140,150	760,187
1923.....	6,289,580	4,895,167	813,689	1,465,157	2,309,608	961,955
1924.....	5,921,496	4,507,885	792,678	1,260,020	2,141,469	973,837
1925.....	6,122,510	4,536,880	810,443	1,259,835	2,128,471	1,121,076
1926.....	6,382,940	4,669,337	866,819	1,283,091	2,171,904	1,213,090
1927.....	6,136,300	4,574,178	868,581	1,219,052	2,127,506	1,067,985
1928.....	6,111,736	4,427,995	837,906	1,166,942	2,061,141	1,172,864

## Freight service statistics

Year ended—	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>	
1911.....	\$1,856,504	901,053	1,624,394	249,843,166	0.743	1,161,164
1912.....	1,897,693	926,465	1,684,995	259,981,628	.730	1,191,585
1913.....	2,140,083	1,067,798	1,915,002	297,722,528	.719	1,335,410
1914.....	2,059,892	1,023,131	1,843,216	284,924,750	.723	1,262,636
1915.....	1,977,933	925,697	1,684,660	273,913,007	.722	1,199,093
1916.....	2,402,211	1,151,187	2,093,093	339,807,323	.707	1,474,438
Dec. 31—						
1916.....	2,560,988	1,203,367	2,179,696	362,444,397	.707	1,569,084
1917.....	2,819,965	1,264,016	2,270,035	394,465,400	.715	1,698,825
1918.....	3,440,742	1,262,621	2,305,825	405,379,284	.849	1,738,305
1919.....	3,543,266	1,095,550	2,043,230	364,293,063	.573	1,558,081

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911–1928, by districts—Continued

## UNITED STATES—Continued

Year ended—	Freight service statistics					
	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>	
Dec. 31—						
1920.....	4,317,440	1,255,421	2,259,953	410,306,210	1.052	1,748,451
1921.....	3,911,277	940,183	1,690,763	306,840,204	1.275	1,308,938
1922.....	3,992,441	1,023,745	1,840,955	339,285,347	1.177	1,444,840
1923.....	4,606,720	1,279,030	2,333,601	412,727,228	1.116	1,754,901
1924.....	4,333,585	1,187,296	2,171,719	388,415,312	1.116	1,649,318
1925.....	4,541,646	1,247,242	2,304,275	413,814,261	1.097	1,749,147
1926.....	4,797,780	1,336,142	2,465,369	443,746,487	1.081	1,875,304
1927.....	4,632,321	1,281,611	2,363,639	428,736,962	1.080	1,801,414
1928.....	4,680,456	1,285,943	2,361,623	432,915,185	1.081	1,802,703

Year ended—	Passenger service statistics						
	Passenger revenue	Passengers carried	Passenger-miles	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Passengers per train
<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
June 30—							
1911.....	\$636,341	938,656	32,371,445	1.96	151,123	34.49	56
1912.....	639,819	944,265	32,316,263	1.98	149,442	34.22	55
1913.....	678,967	983,692	33,875,086	2.00	152,126	34.44	56
1914.....	683,749	1,002,350	34,566,985	1.98	153,369	34.49	57
1915.....	629,237	936,369	31,789,928	1.98	139,226	33.95	54
1916.....	673,806	968,888	33,645,908	2.00	146,029	34.73	56
Dec. 31—							
1916.....	706,609	1,005,955	34,585,952	2.04	149,795	34.38	57
1917.....	825,212	1,066,638	39,476,859	2.09	170,088	37.01	65
1918.....	1,031,563	1,084,998	42,676,579	2.41	183,066	39.33	76
1919.....	1,178,454	1,177,820	46,358,304	2.54	198,345	39.36	82
1920.....	1,286,613	1,234,862	46,848,668	2.75	199,708	37.94	80
1921.....	1,151,771	1,035,496	37,312,586	3.09	159,551	36.03	67
1922.....	1,074,108	967,409	35,469,962	3.03	151,410	36.66	65
1923.....	1,145,699	986,913	37,956,595	3.02	161,777	38.46	67
1924.....	1,075,039	932,678	36,090,886	2.98	153,618	38.70	63
1925.....	1,056,395	888,267	35,950,223	2.94	152,319	40.47	63
1926.....	1,041,816	862,361	35,477,525	2.94	150,280	41.14	61
1927.....	974,951	829,918	33,649,706	2.90	141,800	40.55	59
1928.....	901,019	790,327	31,601,342	2.85	131,971	39.99	56

Year ended—	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Tons per loaded car	Average haul per road
<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
June 30—						
1911.....	608,678,284	392.64	12,666,136	5,718,739	19.73	153.81
1912.....	594,658,218	417.63	12,890,515	5,655,789	20.17	154.29
1913.....	628,319,136	453.39	14,102,776	6,025,620	21.11	155.47
1914.....	590,833,907	460.40	13,507,268	6,426,178	21.09	154.58
1915.....	537,804,830	483.74	12,952,289	6,572,981	21.15	162.59
1916.....	594,124,091	545.10	15,170,608	6,839,846	22.40	162.38
Dec. 31—						
1916.....	617,606,223	560.24	15,869,363	6,758,685	22.84	166.28
1917.....	631,187,856	597.29	15,923,811	6,762,209	24.77	173.77
1918.....	616,151,416	628.49	15,019,410	7,161,568	1 29.30	175.81
1919.....	549,657,072	630.93	14,807,036	6,532,332	1 27.66	178.29
1920.....	607,508,144	646.87	15,356,139	7,261,785	1 29.13	181.55
1921.....	510,291,696	578.71	12,474,703	7,316,080	1 27.32	181.48
1922.....	534,654,994	611.06	13,958,696	6,802,689	1 26.65	184.30
1923.....	620,329,534	643.91	16,396,070	8,532,891	1 27.83	176.86
1924.....	579,571,262	647.06	15,878,770	8,517,574	1 26.88	178.85
1925.....	591,581,590	675.45	16,858,064	9,318,728	1 26.86	179.59
1926.....	610,980,116	701.48	17,778,602	10,152,419	1 27.35	179.99
1927.....	588,081,240	702.41	17,432,267	10,311,248	1 27.06	181.39
1928.....	579,809,381	718.32	17,818,685	10,512,943	1 26.59	183.31

1 Includes nonrevenue tonnage.



TABLE XII.—Selected data from annual reports of Class I steam railways, 1911-1928, by districts—Continued

## EASTERN DISTRICT

Year ended—	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation-rail line	
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>
1911.....	\$1,213,660	\$863,212	\$145,164	\$193,859	\$438,904	\$290,640
1912.....	1,252,347	889,976	145,520	206,962	451,394	296,349
1913.....	1,384,956	998,950	175,486	238,499	492,808	314,494
1914.....	1,333,539	1,020,802	174,320	249,616	502,389	234,801
1915.....	1,275,028	923,569	153,385	234,988	468,419	272,734
1916.....	1,537,031	1,024,739	168,576	265,862	519,758	420,546
Dec. 31—						
1916.....	1,621,551	1,102,249	174,990	285,093	566,640	416,768
1917.....	1,785,312	1,338,467	184,406	328,316	740,322	323,837
1918.....	2,206,636	1,892,301	284,163	533,205	980,415	191,717
1919.....	2,282,088	2,023,222	312,422	591,241	1,010,098	135,327
1920.....	2,747,383	2,730,072	415,294	785,012	1,390,709	<sup>1</sup> 124,252
1921.....	2,460,791	2,032,584	308,346	600,573	1,042,364	230,096
1922.....	2,516,679	2,059,858	303,844	618,616	1,009,129	291,853
1923.....	2,942,419	2,330,521	347,358	735,016	1,115,479	417,549
1924.....	2,665,771	2,068,796	326,064	598,431	1,009,510	407,467
1925.....	2,754,442	2,084,325	347,414	603,356	991,512	474,902
1926.....	2,898,986	2,167,706	368,337	620,645	1,027,563	514,945
1927.....	2,758,469	2,096,757	363,433	573,813	1,003,474	450,276
1928.....	2,732,316	2,004,157	345,821	543,557	962,531	503,494

Year ended—	Freight service statistics					
	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>	
1911.....	\$823,078	( <sup>2</sup> )	989,773	129,096,321	0.638	2,272,565
1912.....	852,061	( <sup>2</sup> )	1,032,434	133,425,498	.638	2,326,286
1913.....	959,047	( <sup>2</sup> )	1,171,789	152,756,350	.628	2,626,710
1914.....	905,279	502,712	1,105,436	143,115,921	.633	2,443,140
1915.....	876,627	454,834	1,003,359	135,642,899	.646	2,303,011
1916.....	1,095,656	577,311	1,262,238	169,263,168	.647	2,869,020
Dec. 31—						
1916.....	1,146,977	590,301	1,283,711	177,487,341	.646	3,004,747
1917.....	1,246,850	617,844	1,302,098	187,966,031	.663	3,178,653
1918.....	1,552,958	614,704	1,317,918	190,942,938	.813	3,229,876
1919.....	1,555,730	524,149	1,156,703	170,117,616	.914	2,866,157
1920.....	1,922,764	606,786	1,253,468	188,517,900	1.020	3,170,258
1921.....	1,722,188	449,674	934,694	138,502,605	1.243	2,354,467
1922.....	1,772,598	452,238	975,691	151,209,900	1.172	2,571,943
1923.....	2,141,175	597,892	1,295,112	193,987,685	1.104	3,289,637
1924.....	1,908,379	519,595	1,146,945	170,039,430	1.122	2,879,748
1925.....	1,987,804	531,309	1,208,296	179,483,666	1.107	3,036,805
1926.....	2,120,301	580,200	1,309,242	193,717,411	1.094	3,284,052
1927.....	2,008,136	541,075	1,237,669	183,739,338	1.093	3,115,925
1928.....	2,011,314	545,968	1,238,607	183,517,858	1.096	3,091,354

<sup>1</sup> Deficit.<sup>2</sup> Not separated by districts.

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911–1928, by districts—Continued

## EASTERN DISTRICT—Continued

Year ended—	Passenger service statistics						
	Passenger revenue	Passengers carried	Passenger-miles	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Passengers per train
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
1911.....	\$269,625	573,249	15,161,685	1.78	270,823	26.45	62
1912.....	274,725	583,327	15,401,754	1.78	277,008	26.40	63
1913.....	288,927	605,180	16,087,159	1.80	277,480	26.58	64
1914.....	293,419	608,647	16,348,655	1.79	279,975	26.86	65
1915.....	276,543	571,965	14,960,949	1.85	254,447	26.16	62
1916.....	296,065	592,397	15,628,070	1.89	265,355	26.38	64
Dec. 31—							
1916.....	316,123	625,543	16,627,330	1.90	281,977	26.58	66
1917.....	357,307	660,780	18,408,280	1.94	311,836	27.86	75
1918.....	446,014	673,703	19,516,673	2.28	330,597	28.97	89
1919.....	512,373	731,836	21,471,099	2.38	362,254	29.36	93
1920.....	563,867	777,821	21,927,088	2.57	369,258	28.19	93
1921.....	537,878	673,170	18,723,437	2.87	321,342	27.81	82
1922.....	513,959	637,135	18,083,029	2.84	310,543	28.38	80
1923.....	546,822	655,225	19,221,806	2.84	329,106	29.34	83
1924.....	523,475	629,939	18,567,323	2.82	317,472	29.47	79
1925.....	520,011	616,313	18,583,979	2.80	317,447	30.15	79
1926.....	523,475	608,365	18,761,993	2.79	321,067	30.84	78
1927.....	502,365	591,510	18,165,433	2.77	310,966	30.71	76
1928.....	474,824	571,801	17,386,360	2.73	295,591	30.41	74

Year ended—	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Tons per loaded car	Average haul per road
June 30—			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
1911.....	272,200,400	464.87	5,906,670	2,847,313	21.86	130.43
1912.....	265,255,675	492.57	6,030,012	2,797,014	22.13	129.33
1913.....	278,453,083	537.67	6,546,516	2,949,449	23.33	130.36
1914.....	257,418,781	544.30	6,134,262	3,085,077	23.33	129.47
1915.....	229,766,592	578.06	5,798,668	3,186,404	23.39	135.19
1916.....	257,522,644	644.89	6,877,179	3,284,945	24.61	134.10
Dec. 31—						
1916.....	264,676,081	658.34	7,070,991	3,230,603	25.10	138.26
1917.....	258,953,016	713.10	6,846,178	3,045,676	27.46	144.36
1918.....	248,909,032	753.81	6,400,881	3,195,407	<sup>1</sup> 31.50	144.88
1919.....	216,416,492	770.43	5,994,491	2,825,948	<sup>1</sup> 30.01	147.07
1920.....	232,981,766	795.20	6,348,174	3,038,378	<sup>1</sup> 31.49	150.40
1921.....	197,813,624	689.32	5,133,557	3,092,037	<sup>1</sup> 29.05	148.18
1922.....	206,650,647	719.95	5,765,642	2,783,427	<sup>1</sup> 27.92	154.98
1923.....	246,812,187	775.60	6,924,153	3,551,844	<sup>1</sup> 30.07	149.78
1924.....	223,452,378	749.18	6,421,637	3,467,991	<sup>1</sup> 28.41	148.25
1925.....	227,772,074	774.94	6,774,060	3,743,179	<sup>1</sup> 28.36	148.54
1926.....	239,822,501	794.59	7,207,969	4,091,032	<sup>1</sup> 28.83	147.96
1927.....	226,703,646	796.29	6,976,096	4,152,967	<sup>1</sup> 28.45	148.46
1928.....	217,830,984	827.54	7,096,321	4,183,727	<sup>1</sup> 27.73	148.16

<sup>1</sup> Includes nonrevenue tonnage.

TABLE XII.—Selected data from annual reports of Class I steam railways 1911-1928, by districts—Continued

## SOUTHERN DISTRICT

Year ended—	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation rail line	
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>
1911.....	\$408,902	\$280,757	\$54,063	\$69,302	\$133,612	\$114,199
1912.....	425,846	303,593	56,219	76,120	146,221	106,567
1913.....	457,506	329,560	63,454	82,350	157,136	112,657
1914.....	469,470	341,840	62,156	88,496	162,514	109,278
1915.....	420,282	307,184	58,221	79,940	145,366	94,806
1916.....	489,711	324,781	60,459	90,526	148,423	147,403
Dec. 31—						
1916.....	523,036	340,077	64,262	93,631	155,532	167,267
1917.....	606,200	412,435	68,484	109,656	205,806	170,862
1918.....	784,809	610,267	99,161	175,372	305,766	139,328
1919.....	806,026	704,038	134,085	197,146	337,653	64,303
1920.....	976,831	912,707	166,683	250,226	448,753	32,592
1921.....	877,202	740,224	132,096	197,868	363,744	92,366
1922.....	915,301	708,694	123,225	201,699	337,426	150,622
1923.....	1,037,777	800,620	143,534	235,728	371,647	177,341
1924.....	1,024,517	767,634	146,252	218,591	352,154	194,971
1925.....	1,106,738	793,329	155,718	220,783	362,239	238,831
1926.....	1,165,528	830,126	167,397	227,862	377,128	253,499
1927.....	1,090,867	798,113	157,959	220,610	358,447	217,771
1928.....	1,033,102	749,058	145,888	207,474	333,890	213,181

Year ended—	Freight service statistics					
	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>	
1911.....	\$286,491	(1)	219,814	41,281,206	0.694	1,017,007
1912.....	298,903	(1)	228,866	43,667,931	.684	1,058,531
1913.....	323,299	(1)	248,738	47,979,202	.674	1,153,407
1914.....	330,771	174,319	256,516	49,523,945	.668	1,179,244
1915.....	302,538	154,482	231,971	47,324,536	.639	1,123,817
1916.....	361,873	187,728	282,183	58,450,832	.619	1,371,626
Dec. 31—						
1916.....	383,530	196,392	298,062	61,706,334	.622	1,444,725
1917.....	434,395	211,475	326,115	68,371,303	.635	1,599,356
1918.....	544,591	216,082	341,295	72,101,218	.755	1,672,592
1919.....	558,527	194,564	306,279	63,999,814	.873	1,476,892
1920.....	700,006	224,127	348,533	76,925,380	.909	1,758,760
1921.....	644,163	177,258	266,413	59,679,500	1.079	1,361,926
1922.....	688,326	208,588	314,370	69,564,942	.989	1,589,208
1923.....	783,288	249,638	381,376	81,705,350	.959	1,862,332
1924.....	780,745	252,888	382,712	82,350,493	.948	1,880,306
1925.....	851,638	281,715	423,769	91,934,000	.926	2,086,464
1926.....	913,966	310,578	461,263	101,426,273	.901	2,282,063
1927.....	871,910	308,893	449,753	96,338,368	.905	2,128,963
1928.....	833,977	294,173	427,027	91,957,727	.907	2,011,439

<sup>1</sup> Not separated by districts.



TABLE XII.—Selected data from annual reports of Class I steam railways, 1911–1928, by districts—Continued

## SOUTHERN DISTRICT—Continued

Year ended—	Passenger service statistics						
	Passenger revenue	Passengers carried	Passenger-miles	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Passengers per train
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
1911.....	\$87,485	111,916	4,072,229	2.15	100,296	36.39	46
1912.....	91,281	115,025	4,221,416	2.16	102,419	36.70	46
1913.....	95,842	118,499	4,384,240	2.19	105,396	37.00	47
1914.....	99,254	121,873	4,585,239	2.17	109,182	37.62	47
1915.....	85,416	107,897	3,983,171	2.14	94,707	36.96	43
1916.....	90,992	114,765	4,115,760	2.21	96,582	35.86	44
Dec. 31—							
1916.....	98,386	118,824	4,573,888	2.15	107,088	38.49	48
1917.....	126,925	130,951	5,776,736	2.20	135,131	44.11	60
1918.....	188,932	145,490	7,404,952	2.55	171,779	50.90	77
1919.....	192,624	149,077	7,099,101	2.71	163,822	47.62	73
1920.....	196,655	150,918	6,617,867	2.97	151,306	43.85	67
1921.....	172,110	118,984	5,085,120	3.39	116,046	42.74	54
1922.....	163,173	111,258	4,855,660	3.36	110,927	43.64	52
1923.....	183,751	114,930	5,449,950	3.37	124,222	47.42	56
1924.....	172,408	104,266	5,153,188	3.35	117,663	49.42	52
1925.....	180,735	94,785	5,412,801	3.34	122,845	57.11	52
1926.....	173,755	88,671	5,186,528	3.35	116,695	58.49	50
1927.....	147,282	85,609	4,507,623	3.27	99,613	52.65	44
1928.....	129,565	79,005	4,033,588	3.21	88,229	51.05	41

Year ended—	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Tons per loaded car	Average haul per road
June 30—			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
1911.....	113,354,640	346.38	2,084,129	979,126	19.81	187.80
1912.....	113,557,900	367.13	2,150,819	989,427	20.30	190.80
1913.....	116,599,149	394.48	2,305,030	1,010,480	20.82	192.89
1914.....	116,699,422	408.24	2,330,028	1,175,302	21.25	193.06
1915.....	100,624,143	448.50	2,172,440	1,155,945	21.78	204.01
1916.....	105,627,557	527.62	2,533,467	1,192,331	23.07	207.14
Dec. 31—						
1916.....	108,372,204	543.84	2,622,821	1,170,957	23.53	207.02
1917.....	115,675,895	566.21	2,704,594	1,241,017	25.28	209.65
1918.....	120,761,237	573.71	2,666,948	1,347,911	<sup>1</sup> 29.43	211.26
1919.....	101,359,788	602.41	2,450,584	1,142,124	<sup>1</sup> 28.45	208.96
1920.....	119,489,118	619.71	2,754,569	1,373,045	<sup>1</sup> 30.31	220.71
1921.....	100,975,009	572.34	2,267,572	1,373,697	<sup>1</sup> 29.03	224.01
1922.....	109,808,041	614.89	2,623,057	1,377,284	<sup>1</sup> 28.88	221.28
1923.....	126,516,430	628.85	3,053,375	1,634,422	<sup>1</sup> 29.47	214.24
1924.....	123,623,101	648.02	3,069,640	1,736,884	<sup>1</sup> 29.22	215.18
1925.....	131,620,622	680.17	3,370,641	1,995,729	<sup>1</sup> 29.71	216.94
1926.....	135,916,269	727.38	3,561,374	2,213,736	<sup>1</sup> 31.08	219.89
1927.....	127,886,177	735.49	3,429,935	2,187,337	<sup>1</sup> 30.68	214.20
1928.....	120,978,851	735.83	3,320,154	2,118,069	<sup>1</sup> 30.05	215.34

<sup>1</sup> Includes nonrevenue tonnage.

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911-1928, by districts—Continued

## WESTERN DISTRICT

Year ended—	Operating revenues	Operating expenses				Net railway operating income
		Total	Maintenance of way and structures	Maintenance of equipment	Transportation-rail line	
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>
1911.....	\$1,129,935	\$759,025	\$148,777	\$152,429	\$381,834	\$319,346
1912.....	1,126,814	765,526	146,732	153,913	387,237	305,568
1913.....	1,265,899	844,953	167,102	179,139	418,074	360,459
1914.....	1,228,318	840,782	167,207	182,088	409,078	316,939
1915.....	1,176,253	790,408	152,398	181,812	388,956	315,565
1916.....	1,354,806	861,373	175,479	201,276	412,617	416,924
Dec. 31—						
1916.....	1,452,279	915,072	182,524	216,842	442,102	456,050
1917.....	1,622,631	1,078,423	189,220	247,457	560,417	439,370
1918.....	1,889,508	1,479,500	266,471	394,454	733,349	307,524
1919.....	2,056,681	1,672,456	325,679	438,145	809,307	255,355
1920.....	2,453,907	2,187,841	450,563	555,127	1,052,200	108,867
1921.....	2,173,605	1,739,860	315,972	453,038	845,983	278,475
1922.....	2,127,113	1,645,970	301,595	432,202	793,595	317,712
1923.....	2,309,384	1,764,026	322,797	494,413	822,482	367,065
1924.....	2,231,208	1,671,455	320,362	442,998	779,805	371,399
1925.....	2,261,330	1,659,226	313,311	435,696	774,720	407,343
1926.....	2,318,426	1,671,505	331,085	434,584	767,213	444,646
1927.....	2,286,964	1,679,308	347,189	424,629	765,585	399,938
1928.....	2,346,318	1,674,780	346,197	415,911	764,920	456,189

Year ended—	Freight service statistics					
	Freight revenue	Revenue tons originated	Total revenue tons carried	Revenue tons carried 1 mile	Revenue per ton-mile	Revenue ton-miles per mile of road
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>	
1911.....	\$746,935	( <sup>1</sup> )	414,807	79,465,639	0.939	675,601
1912.....	746,729	( <sup>1</sup> )	423,695	82,888,199	.900	694,384
1913.....	857,737	( <sup>1</sup> )	494,475	96,986,976	.884	788,265
1914.....	823,842	346,100	481,264	92,284,884	.892	738,714
1915.....	798,768	316,381	449,330	90,945,572	.878	713,718
1916.....	944,682	386,148	548,672	112,156,323	.842	871,122
Dec. 31—						
1916.....	1,030,481	416,674	597,923	123,250,722	.836	953,874
1917.....	1,138,720	434,697	641,822	138,128,066	.824	1,059,948
1918.....	1,343,193	431,835	646,612	142,335,128	.944	1,086,706
1919.....	1,429,009	376,837	580,248	130,175,633	1.098	992,791
1920.....	1,694,670	424,508	657,982	144,862,930	1.170	1,101,909
1921.....	1,544,926	313,251	489,656	108,658,099	1.422	824,580
1922.....	1,531,517	362,919	550,894	118,510,505	1.292	896,042
1923.....	1,681,681	431,500	657,113	137,034,193	1.227	1,035,443
1924.....	1,644,461	414,813	642,062	136,025,389	1.208	1,025,387
1925.....	1,702,204	434,218	672,210	142,396,595	1.195	1,067,315
1926.....	1,763,513	445,364	694,864	148,602,803	1.187	1,115,686
1927.....	1,752,275	431,643	676,217	148,659,256	1.179	1,111,212
1928.....	1,835,165	445,802	695,989	157,439,600	1.166	1,165,653

<sup>1</sup> Not separated by districts.

TABLE XII.—Selected data from annual reports of Class I steam railways, 1911-1928, by districts—Continued

## WESTERN DISTRICT—Continued

Year ended—	Passenger service statistics						
	Passenger revenue	Passengers carried	Passenger-miles	Revenue per passenger-mile	Passenger-miles per mile of road	Average journey per passenger	Passengers per train
June 30—	<i>Thousands</i>	<i>Thousands</i>	<i>Thousands</i>	<i>Cents</i>		<i>Miles</i>	
1911.....	\$279,231	253,491	13,137,531	2.12	111,695	51.82	54
1912.....	273,813	245,913	12,693,093	2.15	106,337	51.62	51
1913.....	294,198	260,013	13,403,687	2.19	108,939	51.55	52
1914.....	291,076	271,830	13,633,091	2.13	109,129	50.15	52
1915.....	267,278	256,507	12,840,808	2.08	100,771	50.06	51
1916.....	286,749	261,726	13,902,078	2.06	107,854	53.12	53
Dec. 31—							
1916.....	292,100	261,588	13,384,734	2.18	103,588	51.17	51
1917.....	340,980	274,907	15,291,843	2.23	117,344	55.63	58
1918.....	396,617	265,805	15,754,954	2.52	120,287	59.27	65
1919.....	473,457	297,407	17,788,104	2.66	135,662	59.81	74
1920.....	526,091	306,123	18,303,713	2.87	139,228	59.79	72
1921.....	441,783	243,342	13,504,029	3.27	102,479	55.49	57
1922.....	396,976	219,016	12,531,273	3.17	94,747	57.22	55
1923.....	415,126	216,758	13,284,839	3.13	100,382	61.29	56
1924.....	379,156	198,473	12,370,375	3.07	93,250	62.33	52
1925.....	355,649	177,169	11,953,443	2.98	89,595	67.47	51
1926.....	344,586	165,325	11,529,004	2.99	86,558	69.74	49
1927.....	325,304	152,799	10,976,650	2.96	82,138	71.84	47
1928.....	296,630	139,521	10,181,394	2.91	75,462	72.97	44

Year ended—	Freight service statistics					
	Freight train-miles	Revenue tons per train	Loaded car-miles	Empty car-miles	Tons per loaded car	Average haul per road
June 30—			<i>Thousands</i>	<i>Thousands</i>		<i>Miles</i>
1911.....	223,123,244	332.08	4,675,337	1,892,300	17.00	191.57
1912.....	215,844,643	356.41	4,709,684	1,869,348	17.60	195.63
1913.....	233,266,904	386.74	5,251,230	2,065,691	18.47	196.14
1914.....	216,715,704	393.57	5,042,978	2,165,799	18.30	191.76
1915.....	207,414,095	402.28	4,981,181	2,230,632	18.26	202.40
1916.....	230,973,890	448.17	5,759,962	2,362,570	19.47	204.41
Dec. 31—						
1916.....	244,557,928	467.07	6,175,551	2,357,125	19.96	206.13
1917.....	256,558,945	500.30	6,373,039	2,475,516	21.67	215.21
1918.....	246,481,147	535.04	5,951,581	2,618,250	126.86	220.12
1919.....	231,880,792	519.99	5,861,961	2,564,260	124.92	224.35
1920.....	255,037,260	530.45	6,253,396	2,850,362	126.21	220.16
1921.....	211,603,063	482.89	5,073,574	2,850,346	124.82	221.91
1922.....	218,196,306	510.65	5,569,997	2,641,978	124.28	215.12
1923.....	247,000,917	525.19	6,418,542	3,346,625	124.63	208.54
1924.....	232,495,783	552.43	6,387,493	3,312,659	124.22	211.86
1925.....	232,188,894	579.13	6,713,363	3,579,820	123.91	211.83
1926.....	235,241,346	595.97	7,009,259	3,847,651	123.94	213.86
1927.....	233,991,417	597.86	7,026,236	3,970,944	123.92	219.84
1928.....	240,999,546	615.13	7,402,210	4,211,147	123.94	226.21

¹ Includes nonrevenue tonnage.



## B. STATISTICS FROM MONTHLY AND OTHER PERIODICAL REPORTS OF CARRIERS

The figures in this section are derived from monthly or quarterly reports of certain classes of carriers, and yearly totals, for various reasons mostly evident from table headings and footnotes, may not be in exact agreement with totals of similar character in Section A, which come from other sources.

**TABLE A.—Railway operating revenues, railway operating expenses, and net railway operating income, 1924-1929, Class I steam railways, including switching and terminal companies**

Item	1929	1928	1927	1926	1925	1924
Miles of road operated...	241, 583. 03	240, 578. 89	239, 410. 26	238, 185. 45	236, 633. 85	236, 279. 26

### RAILWAY OPERATING REVENUES

January.....	\$487, 027, 228	\$458, 208, 797	\$487, 587, 018	\$481, 418, 191	\$485, 018, 679	\$468, 986, 207
February.....	475, 112, 178	456, 844, 227	469, 565, 405	460, 845, 966	453, 185, 486	479, 453, 967
March.....	516, 973, 408	506, 098, 452	531, 617, 459	531, 464, 116	486, 667, 863	505, 371, 387
April.....	513, 954, 965	475, 054, 095	498, 927, 963	500, 489, 191	473, 691, 854	475, 232, 145
May.....	<sup>1</sup> 537, 747, 534	511, 511, 968	519, 571, 501	518, 042, 257	488, 962, 071	477, 528, 664
June.....	<sup>1</sup> 531, 748, 136	503, 156, 939	517, 453, 703	541, 447, 283	507, 021, 059	465, 669, 829
July.....	<sup>1</sup> 557, 568, 040	513, 730, 162	509, 680, 811	557, 895, 179	522, 484, 181	481, 826, 030
August.....	<sup>1</sup> 586, 563, 357	558, 751, 499	557, 774, 163	580, 257, 259	555, 493, 700	508, 505, 818
September.....	-----	556, 044, 020	565, 468, 543	591, 239, 839	565, 568, 308	541, 046, 827
October.....	-----	617, 782, 404	581, 006, 227	610, 384, 849	591, 532, 889	572, 872, 494
November.....	-----	531, 218, 581	504, 314, 198	562, 255, 815	532, 985, 367	505, 889, 207
December.....	-----	495, 815, 839	467, 727, 024	527, 693, 607	524, 130, 395	505, 176, 444
12 months.....	-----	<sup>2</sup> 6, 177, 761, 036	<sup>2</sup> 6, 210, 029, 787	<sup>2</sup> 6, 465, 295, 348	<sup>2</sup> 6, 186, 603, 519	<sup>2</sup> 5, 987, 662, 226

### RAILWAY OPERATING EXPENSES

January.....	\$369, 339, 556	\$363, 990, 689	\$387, 990, 469	\$378, 933, 308	\$383, 961, 979	\$385, 092, 005
February.....	349, 683, 777	348, 698, 061	361, 844, 037	361, 003, 662	355, 685, 829	374, 916, 106
March.....	377, 279, 235	373, 921, 553	395, 734, 641	397, 132, 363	377, 400, 851	390, 601, 930
April.....	376, 493, 833	363, 888, 486	384, 957, 883	385, 783, 022	370, 777, 262	377, 826, 934
May.....	390, 977, 050	382, 369, 709	391, 552, 389	389, 145, 040	375, 999, 428	381, 485, 741
June.....	381, 596, 415	375, 570, 923	388, 258, 865	391, 419, 365	376, 064, 312	364, 228, 757
July.....	389, 261, 550	376, 043, 728	383, 911, 907	396, 357, 683	382, 924, 789	370, 100, 487
August.....	395, 686, 102	384, 527, 744	393, 559, 210	400, 423, 302	388, 898, 352	373, 671, 183
September.....	-----	375, 646, 486	386, 607, 150	398, 762, 376	388, 110, 176	381, 791, 849
October.....	-----	401, 159, 687	399, 841, 395	415, 892, 151	410, 446, 695	404, 038, 275
November.....	-----	374, 153, 524	377, 167, 016	403, 586, 299	384, 549, 534	374, 410, 338
December.....	-----	357, 570, 261	378, 128, 502	408, 840, 916	389, 599, 309	381, 474, 784
12 months.....	-----	<sup>2</sup> 4, 472, 480, 261	<sup>2</sup> 4, 628, 725, 904	<sup>2</sup> 4, 728, 548, 331	<sup>2</sup> 4, 582, 241, 785	<sup>2</sup> 4, 559, 794, 409

### MAINTENANCE OF WAY AND STRUCTURES

January.....	\$58, 351, 506	\$58, 505, 833	\$59, 942, 357	\$58, 873, 070	\$56, 967, 451	\$55, 332, 831
February.....	55, 401, 249	56, 436, 809	58, 782, 671	58, 893, 321	55, 011, 942	54, 419, 439
March.....	66, 070, 116	64, 250, 065	68, 670, 510	66, 806, 288	61, 052, 110	59, 603, 843
April.....	73, 908, 974	70, 933, 010	75, 949, 311	72, 013, 659	68, 140, 897	68, 036, 804
May.....	80, 102, 698	79, 538, 134	80, 798, 436	77, 054, 106	72, 514, 854	73, 788, 172
June.....	79, 459, 342	79, 540, 309	81, 738, 507	80, 195, 595	74, 728, 875	71, 478, 577
July.....	81, 710, 044	77, 598, 331	79, 583, 733	80, 606, 850	75, 035, 380	73, 192, 532
August.....	82, 796, 501	77, 036, 359	80, 310, 327	81, 489, 169	77, 503, 539	73, 026, 188
September.....	-----	74, 838, 582	76, 788, 693	78, 747, 089	76, 743, 783	72, 883, 295
October.....	-----	78, 319, 006	76, 315, 374	79, 638, 641	77, 181, 285	75, 537, 116
November.....	-----	68, 497, 189	70, 616, 640	72, 906, 705	66, 323, 178	65, 740, 125
December.....	-----	61, 199, 324	69, 926, 901	70, 346, 161	63, 771, 958	59, 566, 639
12 months.....	-----	<sup>2</sup> 845, 612, 453	<sup>2</sup> 879, 496, 192	<sup>2</sup> 877, 876, 952	<sup>2</sup> 824, 320, 083	<sup>2</sup> 802, 672, 810

<sup>1</sup> Figures for 1929 include back railway mail pay as follows: For May, \$2,000,000; June, \$10,000,000; July, \$10,000,000; August, \$2,000,000.

<sup>2</sup> Includes certain corrections not appearing in monthly figures.

TABLE A.—*Railway operating revenues, railway operating expenses, and net railway operating income, 1924-1929, etc.—Continued*

## MAINTENANCE OF EQUIPMENT

	1929	1928	1927	1926	1925	1924
January.....	\$100,158,544	\$97,711,500	\$106,235,013	\$105,464,167	\$108,457,911	\$110,322,360
February.....	94,163,172	94,580,212	99,124,504	101,002,458	101,513,614	107,006,053
March.....	102,329,725	101,140,476	109,309,098	113,090,763	108,959,835	113,306,273
April.....	101,512,869	96,195,446	102,707,775	108,639,919	104,688,524	107,510,647
May.....	103,949,761	99,647,307	102,254,513	107,005,052	103,447,684	104,911,270
June.....	100,580,663	97,337,240	102,129,123	106,462,061	103,159,577	99,222,857
July.....	101,197,896	95,942,063	100,385,228	106,813,693	105,258,040	99,470,797
August.....	103,042,602	99,570,329	102,983,587	108,071,440	105,499,971	101,552,114
September.....	-----	95,697,728	99,858,709	107,363,695	104,479,671	105,043,443
October.....	-----	103,079,429	104,727,723	111,733,375	110,462,734	113,273,572
November.....	-----	98,609,057	100,493,717	108,969,880	104,622,202	102,957,000
December.....	-----	95,684,669	99,289,408	109,790,898	108,605,809	106,132,270
12 months.....	-----	<sup>1</sup> 1,174,424,259	<sup>1</sup> 1,229,219,401	<sup>1</sup> 1,294,658,328	<sup>1</sup> 1,268,863,685	<sup>1</sup> 1,270,717,504

## TRANSPORTATION EXPENSES

	1929	1928	1927	1926	1925	1924
January.....	\$179,853,915	\$177,235,177	\$191,777,831	\$186,901,559	\$191,886,193	\$193,820,792
February.....	170,605,905	168,595,063	175,511,119	173,865,620	173,749,658	188,782,705
March.....	178,550,547	178,469,903	183,203,001	188,880,663	181,068,374	192,201,137
April.....	170,897,362	167,259,989	176,845,605	176,797,509	171,738,275	177,595,365
May.....	175,492,239	173,058,438	178,657,109	176,846,345	173,436,739	177,219,035
June.....	169,374,025	168,053,108	174,470,522	175,801,658	170,639,621	167,863,910
July.....	174,806,407	171,831,099	174,315,601	180,204,315	175,229,948	171,482,746
August.....	178,885,791	177,971,876	180,866,397	182,338,051	178,979,461	173,795,746
September.....	-----	175,642,590	180,786,340	184,338,685	180,101,830	178,461,428
October.....	-----	189,582,608	189,793,158	195,898,789	193,672,962	189,443,364
November.....	-----	177,473,144	177,501,313	193,606,486	186,398,140	180,605,457
December.....	-----	174,625,820	179,450,550	199,127,088	189,283,873	189,990,170
12 months.....	-----	<sup>1</sup> 2,097,151,102	<sup>1</sup> 2,167,566,246	<sup>1</sup> 2,215,194,312	<sup>1</sup> 2,165,181,535	<sup>1</sup> 2,181,295,655

NET RAILWAY OPERATING INCOME <sup>2</sup>

	1929	1928	1927	1926	1925	1924
January.....	\$77,261,600	\$56,562,282	\$61,415,296	\$65,761,276	\$66,060,177	\$51,387,222
February.....	84,769,162	69,823,185	69,516,414	63,421,109	65,151,052	71,605,150
March.....	97,466,478	90,876,038	94,606,758	94,657,588	73,375,267	80,320,046
April.....	94,204,116	70,617,893	73,508,489	75,881,706	66,465,322	62,298,528
May.....	<sup>3</sup> 103,616,041	88,221,667	86,012,490	88,129,798	76,154,267	60,929,532
June.....	<sup>3</sup> 105,961,315	85,992,041	87,956,739	107,393,658	92,148,573	65,801,266
July.....	<sup>3</sup> 122,782,809	95,230,581	85,138,972	116,974,565	99,668,612	74,368,186
August.....	<sup>3</sup> 141,436,097	128,435,626	118,801,563	132,959,653	124,943,509	95,706,868
September.....	-----	134,512,929	133,094,301	145,763,442	134,521,685	117,017,915
October.....	-----	166,315,460	134,040,213	146,357,979	138,032,531	127,223,443
November.....	-----	113,694,855	86,708,400	114,940,801	107,016,358	93,396,435
December.....	-----	94,385,670	54,264,574	80,130,400	94,608,458	86,694,763
12 months.....	-----	<sup>1</sup> 1,193,133,743	<sup>1</sup> 1,085,141,596	<sup>1</sup> 1,233,003,087	<sup>1</sup> 1,138,632,320	<sup>1</sup> 986,717,759

<sup>1</sup> Includes certain corrections not appearing in monthly figures.<sup>2</sup> For meaning of this term see Table V, footnote 3.<sup>3</sup> Figures for 1929 include back railway mail pay as follows: For May, \$2,000,000; June, \$10,000,000; July, \$10,000,000; August, \$2,000,000.

TABLE B.—Ratio of expenses to revenues, Class I steam railways, 1911–1929, by districts, excluding switching and terminal companies

Year ended—	United States	Eastern district	Southern district	Western district
June 30—	<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>	<i>Per cent</i>
1911.....	68.50	70.35	68.40	66.56
1912.....	69.19	70.27	71.06	67.29
1913.....	69.33	71.34	71.82	66.23
1914.....	72.05	75.71	72.58	67.90
1915.....	70.35	72.42	73.09	67.09
1916.....	65.33	66.65	66.38	63.43
Dec. 31—				
1916.....	65.50	67.96	65.15	62.87
1917.....	70.44	74.93	68.04	66.38
1918.....	81.35	85.60	77.65	77.91
1919.....	85.06	88.31	86.99	80.69
1920.....	94.38	99.37	93.44	89.16
1921.....	82.71	84.63	84.39	79.86
1922.....	79.41	81.85	77.43	77.38
1923.....	77.83	79.20	77.15	76.39
1924.....	76.13	77.61	74.93	74.91
1925.....	74.10	75.67	71.68	73.37
1926.....	73.15	74.77	71.22	72.10
1927.....	74.54	76.01	73.16	73.43
1928.....	72.45	73.35	72.51	71.38
8 months, 1929.....	72.02	72.34	71.92	71.69

TABLE C.—Analysis of operating revenues and expenses, Class I steam railways, including switching and terminal companies, 1927–1929

Item	8 months, January to August, inclusive		Calendar year 1928	Calendar year 1927
	1929	1928		
Operating revenues:				
Freight.....	\$3, 182, 494, 579	\$2, 997, 106, 511	\$4, 688, 760, 282	\$4, 649, 717, 869
Passenger.....	594, 811, 779	610, 300, 741	900, 326, 853	976, 185, 616
Mail.....	99, 492, 483	64, 304, 270	104, 317, 532	95, 999, 683
Express.....	95, 223, 206	89, 010, 525	142, 446, 829	143, 414, 134
All other.....	236, 371, 361	224, 209, 695	341, 909, 540	344, 712, 485
Total.....	4, 208, 393, 408	3, 984, 931, 742	6, 177, 761, 036	6, 210, 029, 787
Per cent of total:				
Freight.....	75.6	75.2	75.9	74.9
Passenger.....	14.1	15.3	14.6	15.7
Mail.....	2.4	1.6	1.7	1.6
Express.....	2.3	2.3	2.3	2.3
All other.....	5.6	5.6	5.5	5.5
Operating expenses:				
Maintenance of way and structures.....	\$577, 990, 196	\$564, 045, 690	\$845, 612, 453	\$879, 496, 192
Maintenance of equipment.....	807, 103, 904	782, 431, 928	1, 174, 424, 259	1, 229, 219, 401
Traffic.....	86, 785, 828	83, 972, 099	125, 048, 356	120, 720, 821
Transportation.....	1, 398, 804, 111	1, 382, 964, 597	2, 097, 151, 102	2, 167, 566, 246
General.....	129, 392, 024	120, 314, 472	189, 860, 626	193, 204, 557
All other.....	30, 950, 452	27, 398, 794	40, 383, 465	38, 518, 687
Total.....	3, 031, 026, 515	2, 970, 127, 580	4, 472, 480, 261	4, 628, 725, 904
Per cent of total:				
Maintenance of way and structures.....	19.1	19.0	18.9	19.0
Maintenance of equipment.....	26.6	26.3	26.3	26.6
Traffic.....	2.9	2.8	2.8	2.6
Transportation.....	46.1	46.6	46.9	46.8
General.....	4.3	4.4	4.2	4.2
All other.....	1.0	.9	.9	.8
Railway tax accruals.....	\$270, 724, 602	\$250, 908, 395	\$395, 066, 478	\$381, 598, 590
Uncollectible railway revenue.....	757, 755	859, 679	1, 589, 976	1, 514, 032
Equipment rents—debit.....	61, 511, 430	60, 661, 659	91, 602, 467	88, 043, 588
Joint facility rent—debit.....	16, 638, 130	16, 292, 798	23, 888, 111	25, 006, 077
Net railway operating income.....	827, 734, 976	686, 081, 631	1, 193, 133, 743	1, 085, 141, 596



TABLE D.—Ton-miles of freight (revenue and nonrevenue), by months, 1925-1929, Class I steam railways

Month	1929	1928	1927	1926	1925
	Millions	Millions	Millions	Millions	Millions
January.....	39,104	36,289	39,233	37,680	37,026
February.....	38,129	35,723	37,259	35,405	33,570
March.....	40,213	39,486	41,817	38,669	35,332
April.....	38,334	35,887	37,111	36,300	33,571
May.....	42,027	39,263	40,118	39,834	37,126
June.....	40,725	37,807	38,477	39,252	35,854
July.....	41,991	39,153	38,369	41,717	37,944
August.....	44,944	42,425	41,984	43,734	41,709
September.....		43,778	42,959	44,346	41,305
October.....		48,206	45,537	48,296	44,054
November.....		41,965	37,250	43,360	40,775
December.....		37,645	34,592	40,116	37,856
12 months.....		<sup>1</sup> 476,994	<sup>1</sup> 474,696	<sup>1</sup> 488,702	<sup>1</sup> 456,087

<sup>1</sup> Includes certain corrections not appearing in monthly figures.

TABLE E.—Selected operating averages in freight and passenger service of Class I steam railways in the United States, 1927-1929

Item	7 months, January-July		Calendar year—	
	1929	1928	1928	1927
Average miles of road included.....	239,420	238,742	238,332	236,942
Net ton-miles per mile of road per day.....	5,525	5,175	5,468	5,489
Per cent of freight locomotives unserviceable.....	16.7	16.3	16.3	16.1
Per cent of freight cars unserviceable.....	6.2	6.2	6.2	5.9
Per cent loaded of total car-miles.....	63.1	62.9	62.9	62.9
Per cent eastbound or northbound of loaded car-miles.....	58.1	58.9	59.1	59.2
Car-miles per car-day.....	31.9	30.0	31.3	30.3
Net ton-miles per car-day.....	538	497	526	518
Net tons per loaded car.....	26.7	26.4	26.7	27.2
Cars per train.....	48.2	47.5	48.1	46.5
Gross tons per train (excluding locomotives and tenders).....	1,844	1,801	1,838	1,780
Net tons per train (including nonrevenue tons).....	794	772	793	777
Average miles per hour, trains in freight service.....	13.2	12.9	12.9	12.3
Pounds of coal per 1,000 gross ton-miles (including locomotives and tenders).....	126	129	127	131
Average cost of coal per ton (including freight).....	\$2.42	\$2.56	\$2.53	\$2.66
Revenue per ton-mile.....	\$0.01077	\$0.01085	\$0.01081	\$0.01081
Average haul per revenue ton:				
Per railroad.....	186.29	186.57	185.50	183.40
United States as a system.....	( <sup>1</sup> )	( <sup>1</sup> )	318.00	314.75
Number of freight train-miles.....	353,147,686	340,961,956	601,648,338	610,575,646
Number of passenger train-miles.....	298,697,694	306,617,165	521,348,660	539,148,391
Number of passenger-train car-miles.....	2,171,592,793	2,163,227,623	3,718,903,148	3,769,464,192
Passenger-train cars per train.....	7.27	7.06	7.13	6.99
Revenue per passenger per mile:				
Including commutation passengers.....	\$0.02832	\$0.02867	\$0.02850	\$0.02896
Excluding commutation passengers.....	\$0.03315	\$0.03336	\$0.03312	\$0.03335

<sup>1</sup> Data not available.

TABLE F.—Results of operations of The Pullman Co., 1927-1929<sup>1</sup>

	8 months, January-August		Calendar year—	
	1929	1928	1928	1927
Sleeping car operations:				
Total revenues.....	\$55,872,111	\$54,619,437	\$80,846,044	\$80,952,208
Total expenses.....	46,545,783	44,956,090	66,655,530	66,502,582
Net revenue.....	9,326,328	9,663,347	14,190,514	14,449,626
Auxiliary operations:				
Net revenue.....	151,821	173,395	177,342	160,648
Total net revenue.....	9,478,149	9,836,742	14,367,856	14,610,274
Taxes accrued.....	2,741,569	2,708,115	3,429,797	4,250,177
Operating income or loss.....	6,736,580	7,128,627	10,938,059	10,360,097
Statistics of car operations:				
Number of revenue passengers—				
Berth.....	14,202,608	14,409,123	21,310,891	22,042,093
Seat.....	8,312,516	8,471,631	12,613,029	13,155,085
Total.....	22,515,124	22,880,754	33,923,920	35,197,178
Number of nonrevenue passengers.....	479,533	471,654	706,193	731,323
Revenue passenger per car per day.....	10.38	10.74	10.74	11.10
Revenue per berth passenger.....	\$3.72	\$3.59	\$3.58	\$3.48
Revenue per seat passenger.....	\$0.79	\$0.79	\$0.79	\$0.78
Car-mile per car-day.....	372.68	366.23	365.26	359.62

<sup>1</sup> Statement covers car and auxiliary operations other than manufacturing plant.

TABLE G.—Average number of employees and total compensation, fiscal year ended June 30, 1929, Class I steam railways

Division No.	Reporting division	Average number of employees middle of month	Total compensation
I. EXECUTIVES, OFFICIALS, AND STAFF ASSISTANTS			
1	Executives, general officers, and assistants.....D.....	7,630	\$56,211,266
2	Division officers, assistants, and staff assistants.....D.....	9,272	38,454,326
	Total (executives, officials, and staff assistants).....D.....	16,902	94,665,592
II. PROFESSIONAL, CLERICAL, AND GENERAL			
3	Architectural, chemical, and engineering assistants (A).....D.....	3,311	10,108,200
4	Architectural, chemical, and engineering assistants (B).....D.....	4,608	10,703,405
5	Subprofessional engineering and laboratory assistants.....D.....	4,105	6,967,363
6	Professional and subprofessional legal assistants.....D.....	598	1,664,470
7	Supervisory or chief clerks (major departments).....D.....	4,973	14,894,592
8	Chief clerks (minor departments) and assistant chief clerks and supervising cashiers.....D.....	12,897	30,026,895
9	Clerks and clerical specialists (A).....D.....	13,232	27,399,240
10	Clerks (B).....D.....	123,169	203,721,448
11	Clerks (C).....D.....	17,623	23,304,830
12	Mechanical device operators (office).....D.....	8,117	11,214,269
13	Stenographers and secretaries (A).....D.....	3,699	7,192,594
14	Stenographers and typists (B).....D.....	20,957	31,157,765
15	Storekeepers, sales agents, and buyers.....D.....	3,173	6,783,060
16	Ticket agents and assistant ticket agents.....D.....	1,666	3,703,696
17	Traveling auditors or accountants.....D.....	1,865	4,972,884
18	Telephone switchboard operators and office assistants.....D.....	5,008	4,859,150
19	Messengers and office boys.....D.....	6,190	4,499,158
20	Elevator operators and other office attendants.....D.....	1,345	1,411,299
21	Lieutenants and sergeants of police.....D.....	2,360	4,996,469
22	Patrolmen.....D.....	5,200	9,519,171
23	Watchmen (without police authority).....D.....	2,873	3,692,172
24	Supervising traffic agents.....D.....	1,782	6,702,529
25	Traffic agents, advertising and development agents.....D.....	7,625	20,551,071
26	Fire prevention, smoke, and time-service inspectors, and office building superintendents.....D.....	439	1,131,572
27	Claim agents and claim investigators.....D.....	1,733	4,734,646
28	Real estate and tax agents and investigators.....D.....	396	1,162,244
29	Examiners, instructors, and special investigators.....D.....	595	1,742,067

TABLE G.—Average number of employees and total compensation, fiscal year ended June 30, 1929, Class I steam railways—Continued

Division No.	Reporting division	Average number of employees middle of month	Total compensation
<b>II. PROFESSIONAL, CLERICAL, AND GENERAL—continued</b>			
30	Miscellaneous trades workers (other than plumbers).....	763	\$1,354,831
31	Motor vehicle and motor car operators.....	2,052	2,793,367
32	Teamsters and stablemen.....	118	201,401
33	Janitors and cleaners.....	7,639	7,294,512
Total (professional, clerical, and general):			
Daily basis.....		53,477	124,857,565
Hourly basis.....		216,634	345,602,805
<b>III. MAINTENANCE OF WAY AND STRUCTURES</b>			
34	Roadmasters and general foremen (M. of W. & S.).....D..	3,395	10,291,765
35	Assistant general foremen (M. of W. & S.).....D..	378	1,026,727
36	Supervising maintenance of way inspectors and scale inspectors.....	347	803,309
37	Maintenance of way inspectors.....	727	1,624,230
38	Bridge and building gang foreman (skilled labor, M. of W. & S.).....	5,441	11,347,324
39	Bridge and building carpenters.....	21,740	32,764,993
40	Bridge and building ironworkers.....	1,042	1,968,650
41	Bridge and building painters.....	2,868	4,219,366
42	Masons, bricklayers, plasterers, and plumbers.....	2,204	4,109,450
43	Skilled trades helpers (M. of W. & S.).....	10,610	12,749,500
44	Regular apprentices (M. of W. & S.).....	41	47,459
45	Portable steam equipment operators (M. of W. & S.).....	2,672	5,438,021
46	Portable steam equipment operator helpers (M. of W. & S.).....	961	1,404,454
47	Pumping equipment operators (M. of W. & S.).....	4,450	4,597,095
48	Gang foremen (extra gang and work-train laborers).....	4,335	7,544,933
49	Gang foremen (bridge and building, signal and telegraph laborers).....	491	1,026,150
50	Gang or section foremen.....	39,937	62,819,497
51	Laborers (extra gang and work-train).....	62,689	58,549,788
52	Track and roadway section laborers.....	208,991	182,885,868
53	Maintenance-of-way laborers (other than track and roadway) and gardeners and farmers.....	8,134	7,536,554
54	General foremen and supervising inspectors (signal, telegraph, and electrical transmission).....D..	557	1,737,283
55	Assistant general foremen (signal, telegraph, and electrical transmission) and signal and telegraph inspectors.....D..	744	2,016,204
56	Gang foremen (signal and telegraph skilled trades labor).....	1,469	3,584,982
57	Signalmen and signal maintainers.....	9,229	18,492,333
58	Linemen and groundmen.....	2,677	5,002,911
59	Assistant signalmen and assistant signal maintainers.....	3,154	4,949,542
60	Signalman and signal maintainer helpers.....	3,840	4,978,016
Total (maintenance of way and structures):			
Daily basis.....		5,074	15,071,979
Hourly basis.....		398,049	438,444,425
<b>IV. MAINTENANCE OF EQUIPMENT AND STORES</b>			
61	General foremen (M. E.).....D..	1,419	5,221,174
62	Assistant general foremen and department foremen (M. E.).....D..	10,588	33,411,825
63	General foremen (stores).....D..	303	670,183
64	Assistant general foremen (stores).....D..	184	373,364
65	Equipment, shop, and electrical inspectors (M. E.).....D..	1,478	3,941,323
66	Material and supplies inspectors.....D..	1,798	3,992,283
67	Gang foremen and gang leaders (skilled labor).....	10,121	27,430,694
68	Blacksmiths.....	7,762	14,669,540
69	Boilermakers.....	16,471	32,722,094
70	Carmen (A).....	19,405	36,426,219
71	Carmen (B).....	3,826	6,990,529
72	Carmen (C).....	74,476	137,561,516
73	Carmen (D).....	1,922	3,237,996
74	Electrical workers (A).....	7,222	14,849,259
75	Electrical workers (B).....	2,816	5,360,767
76	Electrical workers (C).....	282	525,812
77	Machinists.....	55,090	107,686,106
78	Molders.....	1,059	1,901,354
79	Sheet-metal workers.....	10,925	21,151,490
80	Skilled trades helpers (M. E. and Stores).....	100,831	140,094,387
81	Helper apprentices (M. E. and Stores).....	5,038	6,892,775
82	Regular apprentices (M. E. and Stores).....	10,761	10,537,884
83	Gang foremen laborers (shops, engine houses, power plants, and stores).....	3,802	6,246,040
84	Coach cleaners.....	12,024	14,013,298
85	Laborers (shops, engine houses, and power plants).....	37,588	43,203,412



TABLE G.—Average number of employees and total compensation, fiscal year ended June 30, 1929, Class I steam railways—Continued

Division No.	Reporting division	Average number of employees middle of month	Total compensation
IV. MAINTENANCE OF EQUIPMENT AND STORES—continued			
86	Common laborers (shops, engine houses, power plants, and stores).....	52, 448	\$51, 341, 508
87	Stationary engineers (steam).....	2, 389	4, 785, 863
88	Stationary firemen and oilers (steam and electrical plants).....	4, 887	7, 860, 376
89	Coal passers and water tenders (steam station boiler rooms).....	501	711, 059
	Total (maintenance of equipment and stores):		
	Daily basis.....	15, 770	47, 610, 152
	Hourly basis.....	441, 646	696, 199, 978
V. TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)			
90	Chief train dispatchers, train dispatchers, and train directors.....	5, 261	17, 694, 302
91	Station agents (supervisory—major stations—nontelegraphers)..... D..	2, 472	7, 655, 729
92	Station agents (supervisory—smaller stations—nontelegraphers).....	5, 184	11, 393, 786
93	Station agents (nonsupervisory—smaller stations—nontelegraphers).....	3, 149	3, 967, 485
94	Station agents (telegraphers and telephoners).....	18, 762	33, 567, 962
95	Chief telegraphers and telephoners or wire chiefs.....	867	2, 170, 407
96	Clerk-telegraphers and clerk-telephoners.....	13, 328	24, 016, 722
97	Telegraphers, telephoners, and towermen.....	23, 259	43, 346, 085
98	Station masters and assistants..... D..	507	1, 303, 030
99	Supervising baggage agents..... D..	133	296, 878
100	Baggage agents and assistants.....	716	1, 229, 460
101	Baggage, parcel room, and station attendants.....	8, 363	10, 880, 066
102	General foremen (freight stations, warehouses, grain elevators, and docks).....	535	1, 213, 261
103	Assistant general foremen (freight stations, warehouses, grain elevators, and docks).....	418	861, 771
104	Gang foremen (freight station, warehouse, grain elevator, and dock labor).....	3, 516	6, 263, 654
105	Callers, loaders, scalers, sealers, and perishable freight inspectors.....	14, 935	19, 435, 608
106	Truckers (stations, warehouses, and platforms).....	34, 278	39, 692, 687
107	Laborers (coal and ore docks and grain elevators).....	1, 269	1, 927, 960
108	Common laborers (stations, warehouses, platforms, and grain elevators).....	5, 138	5, 476, 708
109	Stewards, restaurant and lodging-house managers, and dining-car supervisors.....	1, 799	3, 624, 444
110	Chefs and first cooks (dining cars and restaurants).....	1, 629	2, 924, 956
111	Second and third cooks (dining cars and restaurants).....	2, 906	3, 542, 705
112	Waiters and lodging-house attendants.....	7, 216	5, 961, 952
113	Camp and crew cooks and kitchen helpers.....	3, 654	3, 419, 483
114	Barge, lighter, and gasoline launch officers and workers.....	2, 043	3, 721, 637
115	Deck officers (ferryboats and towing vessels).....	997	2, 641, 075
116	Engine-room officers (ferryboats and towing vessels).....	910	2, 395, 752
117	Deck and engine-room workers (ferryboats and towing vessels).....	4, 467	7, 380, 923
118	Deck and engine-room officers and workers (steamers).....	1, 107	1, 104, 529
119	Floating equipment shore workers and attendants.....	952	1, 287, 930
120	Transportation and dining service inspectors..... D..	922	2, 334, 751
121	Parlor and sleeping car conductors.....	44	100, 530
122	Train attendants.....	3, 331	4, 014, 950
123	Bridge operators and helpers.....	1, 287	1, 778, 128
124	Crossing and bridge flagmen and gatemen..... D..	20, 879	19, 293, 606
125	Foremen (laundry) and laundry workers.....	415	434, 575
	Total (transportation—other than train, engine, and yard):		
	Daily basis.....	24, 913	30, 883, 994
	Hourly basis.....	171, 735	267, 471, 493
VI(A). TRANSPORTATION (YARDMASTERS, SWITCH TENDERS, AND HOSTLERS)			
126	Yardmasters and assistants..... D..	6, 763	22, 152, 123
127	Switch tenders.....	5, 254	9, 463, 683
128	Outside hostlers.....	2, 155	5, 149, 229
129	Inside hostlers.....	6, 023	12, 049, 654
130	Outside hostler helpers.....	1, 690	3, 135, 310
	Total (transportation—yardmasters, switch tenders, and hostlers):		
	Daily basis.....	6, 763	22, 152, 123
	Hourly basis.....	15, 122	29, 797, 776
	Total all groups (except train and engine):		
	Daily basis.....	122, 899	335, 241, 405
	Hourly basis.....	1, 243, 186	1, 777, 516, 477

TABLE G.—Average number of employees and total compensation, fiscal year ended June 30, 1929, Class I steam railways—Continued

Division No.	Reporting division	Average number of employees middle of month	Total compensation
VI(B). TRANSPORTATION (TRAIN AND ENGINE)			
131	Road passenger conductors.....	10,030	\$31,472,518
132	Assistant road passenger conductors and ticket collectors.....	1,283	3,369,824
133	Road freight conductors (through freight).....	14,932	39,802,656
134	Road freight conductors (local and way freight).....	9,228	28,999,734
135	Road passenger baggagemen.....	5,487	13,159,001
136	Road passenger brakemen and flagmen.....	13,168	27,849,882
137	Road freight brakemen and flagmen (through freight).....	34,194	66,722,839
138	Road freight brakemen and flagmen (local and way freight).....	22,762	55,239,917
139	Yard conductors and yard foremen.....	21,544	54,967,168
140	Yard brakemen and yard helpers.....	52,558	115,384,328
141	Road passenger engineers and motormen.....	12,501	42,995,894
142	Road freight engineers and motormen (through freight).....	20,210	63,225,885
143	Road freight engineers and motormen (local and way freight).....	9,287	35,031,283
144	Yard engineers and motormen.....	21,547	57,095,630
145	Road passenger firemen and helpers.....	11,578	30,067,294
146	Road freight firemen and helpers (through freight).....	21,735	47,933,376
147	Road freight firemen and helpers (local and way freight).....	9,406	26,175,369
148	Yard firemen and helpers.....	22,019	44,023,950
Total (transportation—train and engine).....		313,469	783,516,548
Grand total, all employees.....		1,679,554	2,896,274,430

TABLE H.—Carloads and tons of commodities originated and freight revenue, calendar year 1928, Class I steam railways

Commodity	Revenue freight originated		Freight revenue
	Number of carloads	Number of tons (2,000 pounds)	
PRODUCTS OF AGRICULTURE			
Wheat.....	630,010	26,950,060	\$117,553,734
Corn.....	447,539	17,044,938	65,075,775
Oats.....	192,329	5,888,045	22,101,177
Barley and rye.....	109,686	4,297,068	17,570,571
Rice.....	40,038	1,067,702	4,778,389
Grain, n. o. s.....	5,124	141,001	699,661
Flour, wheat.....	393,731	9,656,166	44,759,942
Meal, corn.....	13,627	268,232	1,094,916
Flour and meal, edible, n. o. s.....	35,090	829,480	4,474,415
Cereal food preparations, edible, n. o. s.....	44,913	831,799	5,203,793
Mill products, n. o. s.....	446,696	9,748,620	34,208,257
Hay and alfalfa.....	263,644	3,309,381	17,821,602
Straw.....	54,586	689,656	2,138,879
Tobacco, leaf.....	91,474	944,955	7,863,678
Cotton in bales.....	309,056	3,423,519	39,204,343
Cotton linters, nolls, and regins.....	23,957	348,660	3,271,648
Cottonseed.....	107,211	2,707,933	6,968,890
Cottonseed meal and cake.....	97,693	2,275,922	8,966,264
Oranges and grapefruit.....	83,315	1,364,920	38,138,760
Lemons, limes, and citrus fruits, n. o. s.....	11,952	177,930	5,646,947
Apples, fresh.....	117,625	1,903,442	29,504,928
Bananas.....	94,712	1,005,030	15,972,021
Berries, fresh.....	11,255	100,072	2,760,325
Cantaloupes and melons, n. o. s.....	36,560	414,349	12,676,246
Grapes, fresh.....	74,303	1,138,493	35,160,144
Peaches, fresh.....	49,814	614,058	9,677,851
Watermelons.....	40,247	540,482	6,666,412
Fruits, fresh, domestic, n. o. s.....	44,366	625,626	13,808,359
Fruits, fresh, tropical, n. o. s.....	4,760	59,818	999,021
Potatoes, other than sweet.....	254,539	4,511,075	46,776,281
Cabbage.....	40,249	519,307	6,919,255
Onions.....	37,011	515,835	7,045,595
Tomatoes.....	29,407	349,438	8,067,713
Vegetables, fresh, n. o. s.....	151,928	1,740,147	44,322,674
Beans and peas, dried.....	28,209	655,788	6,980,479
Fruits, dried or evaporated.....	33,370	911,328	8,661,038

TABLE H.—*Carloads and tons of commodities originated and freight revenue, calendar year 1928, Class I steam railways—Continued*

Commodity	Revenue freight originated		Freight revenue
	Number of carloads	Number of tons (2,000 pounds)	
PRODUCTS OF AGRICULTURE—continued			
Vegetables, dry, n. o. s.	22, 836	310, 484	\$3, 225, 551
Vegetable-oil cake and meal, except cottonseed	19, 360	473, 029	1, 583, 282
Peanuts	24, 303	371, 727	3, 199, 781
Flaxseed	13, 842	542, 372	2, 409, 144
Sugar beets	118, 422	5, 259, 674	3, 509, 697
Products of agriculture, n. o. s.	156, 586	3, 494, 350	20, 808, 931
Total	4, 805, 375	118, 021, 911	738, 276, 369
ANIMALS AND PRODUCTS			
Horses, mules, ponies, and asses	49, 604	576, 885	5, 284, 649
Cattle and calves, single-deck	688, 205	7, 923, 694	49, 492, 830
Calves, double-deck	4, 355	52, 620	506, 132
Sheep and goats, single-deck	56, 277	453, 407	2, 733, 691
Sheep and goats, double-deck	80, 878	908, 346	8, 396, 831
Hogs, single-deck	460, 597	4, 190, 928	23, 597, 178
Hogs, double-deck	135, 638	1, 679, 916	14, 646, 259
Fresh meats, n. o. s.	235, 540	2, 935, 349	40, 853, 430
Meats, cured, dried, or smoked	45, 805	691, 918	9, 604, 784
Butterine and margarine	4, 083	50, 034	717, 131
Packing-house products, edible, n. o. s., not including canned meats	88, 804	1, 461, 049	15, 125, 274
Poultry, live	16, 524	160, 249	5, 240, 153
Poultry, dressed	20, 658	246, 401	6, 995, 757
Eggs	56, 313	634, 575	16, 433, 126
Butter	41, 221	504, 388	11, 581, 277
Cheese	19, 844	249, 706	4, 209, 966
Wool	32, 846	393, 870	6, 170, 446
Hides, green	33, 152	712, 562	6, 351, 995
Leather	11, 818	201, 926	2, 042, 198
Fish or sea-animal oil	3, 885	102, 272	925, 461
Animals, live, n. o. s.	2, 067	24, 023	226, 037
Animal products, n. o. s. (other than fertilizers and fertilizer materials)	74, 439	1, 479, 730	11, 504, 062
Total	2, 162, 553	25, 633, 848	242, 638, 667
PRODUCTS OF MINES			
Anthracite coal	1, 390, 853	69, 997, 398	165, 679, 516
Bituminous coal	6, 494, 869	346, 057, 487	784, 470, 255
Coke	480, 481	16, 241, 157	33, 450, 751
Iron ore	1, 240, 122	68, 684, 091	79, 196, 789
Copper ore and concentrates	105, 380	5, 916, 374	2, 171, 416
Lead ore and concentrates	25, 592	1, 352, 799	1, 868, 454
Zinc ore and concentrates	29, 113	1, 334, 539	4, 629, 817
Ores and concentrates, n. o. s.	62, 090	3, 234, 331	8, 735, 195
Gravel and sand (other than glass or molding)	1, 608, 691	85, 667, 157	73, 893, 420
Stone, broken, ground, or crushed	669, 476	35, 466, 459	31, 321, 926
Stone, rough, n. o. s.	135, 211	6, 253, 568	10, 541, 942
Stone, finished, n. o. s.	26, 352	916, 623	4, 328, 289
Petroleum, crude	221, 244	7, 632, 492	34, 005, 692
Asphalt (natural, by-product, or petroleum)	84, 307	2, 899, 326	12, 818, 735
Salt	115, 370	3, 340, 663	16, 779, 007
Phosphate rock, crude (ground or not ground)	102, 134	4, 801, 139	7, 346, 105
Sulphur (brimstone)	34, 095	1, 810, 738	5, 457, 622
Products of mines, n. o. s.	702, 394	34, 976, 756	55, 984, 962
Total	13, 527, 774	696, 583, 097	1, 332, 679, 893
PRODUCTS OF FORESTS			
Logs	952, 198	30, 832, 653	20, 777, 439
Posts, poles, and piling	171, 738	4, 839, 778	21, 018, 219
Wood (fuel)	134, 585	3, 868, 454	3, 870, 945
Ties, railroad	136, 197	4, 239, 705	12, 824, 586
Pulpwood	215, 465	6, 892, 658	12, 233, 968
Lumber, shingles, and lath	1, 484, 011	39, 415, 454	258, 131, 107
Box, crate, and cooperage materials	134, 150	3, 093, 166	17, 814, 189
Veneer and built-up wood	12, 080	267, 628	1, 897, 444
Rosin	32, 559	552, 283	2, 581, 125
Turpentine	3, 355	68, 953	719, 697
Crude rubber (not reclaimed)	17, 261	453, 528	3, 910, 043
Products of forests, n. o. s.	114, 467	2, 212, 677	7, 839, 228
Total	3, 408, 066	96, 736, 937	363, 617, 993



TABLE H.—*Carloads and tons of commodities originated and freight revenue, calendar year 1928, Class I steam railways—Continued*

Commodity	Revenue freight originated		Freight revenue
	Number of carloads	Number of tons (2,000 pounds)	
MANUFACTURES AND MISCELLANEOUS			
Petroleum oils, refined, and all other gasolines.....	1, 505, 537	42, 562, 231	\$252, 021, 523
Fuel, road, and petroleum residual oils, n. o. s.....	352, 085	11, 893, 736	
Lubricating oils and greases.....	169, 744	3, 721, 437	45, 950, 560
Petroleum products, n. o. s.....	11, 679	302, 392	23, 168, 130
Cottonseed oil.....	31, 192	914, 287	1, 492, 985
Linseed oil.....	10, 950	284, 516	5, 691, 944
Vegetable oils, n. o. s.....	12, 939	361, 911	1, 836, 327
Sugar (beet or cane).....	138, 806	4, 040, 203	3, 296, 198
Table sirups and edible molasses.....	28, 947	828, 549	34, 240, 017
Molasses, blackstrap and beet residual.....	16, 479	735, 663	5, 800, 432
Iron, pig.....	151, 555	8, 033, 516	3, 114, 323
Iron and steel, rated sixth class in official classification, n. o. s.....	102, 240	5, 129, 797	14, 113, 938
Rails, fastenings, frogs, and switches.....	60, 867	2, 551, 160	8, 802, 148
Cast-iron pipe and fittings.....	79, 691	1, 899, 837	8, 328, 465
Iron and steel pipe and fittings, n. o. s.....	163, 523	5, 044, 761	11, 581, 424
Iron and steel: Nails and wire, not woven.....	67, 439	1, 667, 427	43, 941, 113
Iron and steel, rated fifth class in official classification, n. o. s. (also tin andterne plate).....	1, 017, 159	33, 386, 293	9, 145, 999
Copper: Ingot, matte, and pig.....	22, 454	999, 088	141, 715, 554
Copper, brass, and bronze: Bar, sheet, and pipe.....	14, 107	358, 105	7, 560, 160
Lead and zinc: Ingot, pig, or bar.....	30, 215	1, 217, 734	2, 701, 628
Aluminum: Ingot, pig, or slab.....	2, 851	73, 413	9, 191, 794
Machinery and boilers.....	210, 347	3, 772, 172	881, 675
Cement, natural or Portland (building).....	687, 122	26, 079, 815	36, 313, 607
Brick, common.....	212, 652	7, 921, 124	70, 891, 475
Brick, n. o. s., and building tile.....	287, 557	10, 391, 559	15, 552, 562
Artificial stone, n. o. s.....	23, 781	705, 674	27, 883, 745
Lime, common (quick or slaked).....	123, 705	2, 797, 520	2, 288, 415
Plaster (stucco or wall) and dry kalsomine.....	92, 708	2, 502, 024	9, 447, 252
Sewer pipe and drain tile (not metal).....	143, 939	2, 555, 723	10, 341, 353
Agricultural implements and parts, n. o. s.....	93, 005	1, 333, 723	9, 380, 483
Vehicles, horse-drawn, and parts, n. o. s.....	6, 709	93, 425	15, 325, 257
Tractors and parts.....	34, 861	475, 772	1, 088, 030
Railway car wheels, axles, and trucks.....	13, 913	401, 333	6, 093, 974
Automobiles (passenger).....	616, 214	3, 705, 214	1, 833, 150
Autotrucks.....	30, 740	257, 802	131, 335, 521
Automobiles and autotrucks, knockdown and parts, n. o. s.....	234, 934	4, 051, 729	6, 684, 920
Automobile and autotruck tires.....	54, 219	736, 023	43, 798, 758
Furniture, metal.....	18, 432	226, 459	12, 291, 805
Furniture, other than metal.....	104, 696	835, 406	2, 720, 166
Beverages.....	41, 379	813, 182	16, 362, 337
Ice.....	149, 327	3, 922, 153	5, 107, 716
Fertilizers, n. o. s.....	491, 553	12, 859, 221	4, 702, 930
Newsprint paper.....	58, 670	1, 448, 934	37, 233, 314
Printing paper, n. o. s.....	77, 899	1, 853, 754	15, 386, 916
Alcohol, denatured or wood.....	16, 893	368, 227	10, 522, 888
Sulphuric acid.....	49, 528	2, 279, 672	2, 706, 752
Explosives, n. o. s.....	20, 318	330, 562	5, 844, 732
Cotton cloth and cotton fabrics, n. o. s.....	53, 974	530, 324	5, 845, 962
Bagging and bags, burlap, gunny, or jute.....	23, 495	406, 860	6, 881, 471
Canned food products, n. o. s.....	211, 457	4, 804, 656	3, 309, 494
Tobacco, manufactured products.....	10, 813	200, 208	44, 203, 436
Paints in oil and varnishes.....	22, 590	496, 654	3, 341, 609
Furnace slag.....	166, 205	8, 784, 484	4, 191, 378
Scrap iron and scrap steel.....	299, 761	11, 746, 937	6, 602, 512
Paper bags and wrapping paper.....	68, 209	1, 511, 719	24, 863, 015
Paper board, pulp board, and wall board (paper).....	105, 950	2, 318, 165	9, 785, 325
Building paper and prepared roofing materials.....	92, 181	2, 034, 812	11, 753, 117
Building woodwork (millwork).....	28, 931	521, 802	10, 842, 453
Soap and washing compounds.....	53, 114	1, 109, 912	5, 555, 985
Glass, flat, other than plate.....	17, 633	506, 020	8, 320, 781
Glass: Bottles, jars, and jelly glasses.....	84, 043	1, 496, 045	3, 689, 494
Manufactures and miscellaneous, n. o. s.....	2, 709, 722	56, 820, 396	10, 113, 906
Total.....	11, 833, 638	312, 013, 252	345, 470, 729
Grand total, carload traffic.....	35, 737, 406	1, 248, 989, 045	4, 317, 698, 024
All l. c. l. freight.....		36, 953, 931	512, 528, 506
Grand total, carload and l. c. l. traffic.....		1, 285, 942, 976	4, 830, 226, 530

TABLE I.—*Summary of casualties to persons on steam railways in the United States for the years ended December 31, 1928, 1927, 1926, 1925, and 1924*<sup>1</sup>

Class of persons	Number of persons									
	1928		1927		1926		1925		1924	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
1. Trespassers.....	2,336	2,362	2,580	2,715	2,431	2,536	2,452	2,682	2,418	2,842
2. Employees:										
Trainmen on duty.....	538	21,359	669	25,211	723	30,781	722	29,175	672	29,224
Other employees.....	500	2,420	565	2,946	646	3,421	575	3,308	570	3,176
Total employees.....	1,038	23,779	1,234	28,157	1,369	34,202	1,297	32,483	1,242	32,400
3. Passengers.....	83	3,459	79	3,886	149	4,458	165	4,950	139	5,353
4. Persons carried under contract.....	23	483	19	545	13	664	27	601	20	557
5. Other nontrespassers.....	2,664	7,304	2,470	7,300	2,584	7,776	2,274	7,267	2,237	7,205
Total, classes 1 to 5.....	6,144	37,387	6,382	42,603	6,546	49,636	6,215	47,983	6,056	48,357
6. Casualties in nontrain accidents.....	365	48,174	439	62,196	401	80,586	402	89,442	402	95,368

<sup>1</sup> Figures relating to suicide are excluded.

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## APPENDIX D

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POINTS DECIDED BY THE COMMISSION IN REPORTED  
RATE AND VALUATION CASES, WITH INDEX OF  
POINTS DECIDED AND TABLE OF CASES

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## POINTS DECIDED IN REPORTED RATE AND VALUATION CASES

*Riskin & Son v. Erie R. Co.*, 147 I. C. C. 1.

1. Rate on coke, in carloads, from Ensley, Ala., to Passaic, N. J., found unreasonable. Reasonable rate prescribed and waiver of undercharges authorized.

*Grain and grain products from St. Louis*, 147 I. C. C. 3.

2. Proposed increased rates on grain and grain products, in carloads, from St. Louis, Mo., to Southern Railway stations in western Tennessee found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Calif. Peach & Fig Growers v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 7.

3. The Hetch Hetchy Railroad found to have engaged as a common carrier in the transportation of property in interstate commerce; and the local charges collected by the Hetch Hetchy for its portion of the haul on shipments made by complainant to interstate destinations found subject to review by this commission.

4. Rates on lumber, in carloads, from Mather, Calif., to interstate destinations found not unreasonable. Complainant not shown to have been damaged by reason of any undue prejudice which may have existed in the rates. Complaint dismissed.

*Intermediate application of lumber rates*, 147 I. C. C. 13.

5. Proposed changes in intermediate rules governing rates on forest products between points in California and points in Arizona, California, Nevada, New Mexico, and Texas and from certain points in Oregon to points in Arizona, California, Nevada, New Mexico, Texas, and Utah found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Iron and steel articles from western Pennsylvania*, 147 I. C. C. 17.

6. Proposed increased rate on iron and steel articles, in less than carloads, from Pittsburgh, Pa., and certain other points in Pennsylvania east thereof, to Norfolk, Va., and points in Virginia and Maryland on the Delaware-Maryland-Virginia Peninsula grouped therewith, found justified. Order of suspension vacated and proceeding discontinued.

*Peas ee-Gaulbert Co. v. Atlanta & W. P. R. Co.*, 147 I. C. C. 20.

7. Rate on linseed oil, in carloads, from Minneapolis, Minn., to Atlanta, Ga., found not unreasonable. Complaint dismissed.

*Cottonseed from La. Ry. & N. Co. Stations*, 147 I. C. C. 24.

8. Proposed increased rates on cottonseed, in carloads, from points on the Louisiana Railway & Navigation Company lines to Shreveport and Bossier City, La., from stations on the Yazoo & Mississippi Valley Railroad, formerly the Alabama & Vicksburg Railway, in Mississippi to destinations on the Yazoo & Mississippi Valley Railroad, formerly the Vicksburg, Shreveport & Pacific Railway, in Louisiana and from stations on the Yazoo & Mississippi Valley Railroad, formerly the Vicksburg, Shreveport & Pacific Railway, in Louisiana to destinations on the Yazoo & Mississippi Valley Railroad, formerly the Alabama & Vicksburg Railway, in Mississippi found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*So. Transportation Co. v. Norfolk & W. Ry. Co.*, 147 I. C. C. 29.

9. Port or wharfage charge of \$11, exacted by the defendants from operators of vessels engaged in the coastwise service, for transfer of bunker coal from cars to vessels at Hampton Roads ports, found to be not unreasonable.

10. Port or wharfage charge of \$30, exacted by the defendants from operators of vessels engaged in foreign commerce, for transfer of bunker coal from cars to vessels at Hampton Roads ports, not shown to be unreasonable.

11. Proving simply that charges for transportation or services connected therewith, not published or filed in accordance with the requirements of section 6 of the interstate commerce act, have been collected from a complainant by a common carrier subject to the act is not equivalent to proving that the complainant is entitled to reparation. Reparation denied. Former report, 101 I. C. C. 211.

*Victor Mfg. & Gasket Co. v. Aberdeen & R. R. Co.*, 147 I. C. C. 38.

12. Second-class any-quantity rating on gaskets made of copper and asbestos combined found not unreasonable or unjustly discriminatory but unduly prejudicial in comparison with lower ratings on gaskets made wholly of copper, asbestos, paper, or pulpboard. Undue prejudice ordered removed. Reparation denied.

*Automatic train-control devices*, 147 I. C. C. 42.

13. After inspection and test, installation found to meet the requirements of our specifications and order, and installation approved, except as indicated.

14. Requirements prescribed in respect of certain apparatus and operations with which the carrier is expected promptly to comply.

*Automatic train-control devices*, 147 I. C. C. 57.

15. After inspection and test, installation found to meet the requirements of our specifications and order, and installation approved, except as indicated.

16. Requirements prescribed in respect of certain apparatus and operations with which the carrier is expected promptly to comply.

*Mitchell-Rand Mfg. Co. v. New York C. R. Co.*, 147 I. C. C. 66.

17. Rate on battery sealing wax, in carloads, from Jersey City, N. J., to Cleveland, Ohio, found applicable. Complaint dismissed.

*Automatic train-control devices*, 147 I. C. C. 69.

18. After inspection and test, installation found to meet the requirements of our specifications and order, and installation approved, except as indicated.

19. Requirements prescribed in respect of certain apparatus and operations with which the carrier is expected promptly to comply.

*Automatic train-control devices*, 147 I. C. C. 78.

20. After inspection and test, installation found to meet the requirements of our specifications and order, and installation approved, except as indicated.

21. Requirements prescribed in respect of certain apparatus and operations with which the carrier is expected promptly to comply.

*Vacuum Oil Co. v. Atlantic C. L. R. Co.*, 147 I. C. C. 85.

22. All-rail rate on fuller's earth, in carloads, in bags, from Quincy and Jamieson, Fla., and Attapulugus, Ga., to Paulsboro, N. J., found unreasonable prior to November 28, 1925, but not unreasonable thereafter. All-rail rate charged on 11 carloads from Attapulugus to Paulsboro prior to November 28, 1925, found inapplicable. Reparation awarded.

23. Rail-water-and-rail rates on fuller's earth, in carloads, in bags, from Quincy, Jamieson, and Ellenton, Fla., and Attapulugus, Ga., to Paulsboro, N. J., and Olean and Rochester, N. Y., found unreasonable. Reparation awarded and reasonable rates prescribed except from Ellenton, for the future.

*Crown Willamette Paper Co. v. Nelson & A. Ry. Co.*, 147 I. C. C. 93.

24. Shipments of soapstone furnace linings, in carloads, from Schuyler, Va., to Camas, Wash., found to have been overcharged for the portions of the movement from Esmont, Va., to Camas. Reparation awarded.

*Lumber from Florida Points*, 147 I. C. C. 96.

25. Proposed increased rates on lumber and other forest products, in carloads, from northern Florida points to destinations in central, trunk-line, and New England territories, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Ebersbach Construction Co. v. Louisville & N. R. Co.*, 147 I. C. C. 99.

26. Demurrage charges collected on interstate carload shipments of road materials at Grays, Ky., found generally applicable. Refund of admitted overcharges directed. Complaint dismissed.



*Mid-West Fruit Co. v. Gulf, C. & S. F. Ry. Co.*, 147 I. C. C. 103.

27. Rates on potatoes, in carloads, from Skiatook, Okla., to certain destinations in Texas found unreasonable and to certain other destinations in Texas found not unreasonable. Reparation awarded.

*Grain, Grain Products, Hay, and Straw from Memphis*, 147 I. C. C. 106.

28. Proposed increased minimum weights on mixed-carload shipments of grain, grain products, hay, and straw from Memphis, Tenn., to certain Arkansas points found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Gillaspie v. Nashville, C. & St. L. Ry.*, 147 I. C. C. 109.

29. Rates on canned tomatoes, in carloads, from Columbia, Tenn., to destinations in Georgia and to Jacksonville, Fla., found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future.

*Okla. Wheat Growers Asso. v. Abilene & S. R. Co.*, 147 I. C. C. 114.

30. Rates on grain and grain products from points in Oklahoma to destinations in Texas found not unreasonable. Complaint dismissed.

*Berney Bond Glass Co. v. New York C. R. Co.*, 147 I. C. C. 117.

31. Rate on glass milk bottles, in carloads, from Clarion, Pa., to Westmount station, Montreal, Prov. Quebec, found unreasonable. Reparation awarded.

*Automatic train-control devices*, 147 I. C. C. 120.

32. After inspection and test, installation found to meet the requirements of our specifications and order, and installation approved, except as indicated.

33. Requirements prescribed in respect of certain apparatus and operations with which the carrier is expected promptly to comply.

*White Eagle Oil & Refining Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 127.

34. Rates on gasoline and other petroleum products taking the same rates, in carloads, from the mid-continent field and Casper, Wyo., to certain points in South Dakota, found unreasonable and reasonable rates prescribed for the future. Reparation denied.

*Allendale Grocery Co. v. Charleston & W. C. Ry. Co.*, 147 I. C. C. 131.

35. Rates on grain and grain products, hay, flour, and cottonseed meal, in carloads and less than carloads, from Ohio and Mississippi River crossings, Virginia cities, southeastern and Mississippi Valley points to Allendale, S. C., found not unreasonable or otherwise unlawful, except that commodity rates on grain and grain products and flour from Cincinnati, Ohio, and Louisville, Ky., found unduly prejudicial. Undue prejudice ordered removed.

*Flaccus Oak Leather Co. v. New York, N. H. & H. R. Co.*, 147 I. C. C. 135.

36. Rate on dry quebracho extract, in carloads, from Boston, Mass., to Buckhannon, W. Va., found not unreasonable. Complaint dismissed.

*Transcontinental Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 139.

37. Rates on petroleum products, in carloads, from Bristow, Boynton, Eram, Drumright, and Delaware, Okla., to Wayne and Concord, Nebr., found unreasonable. Reasonable rates prescribed for the future. Reparation denied.

*Lumber and other forest products from southern points*, 147 I. C. C. 142.

38. Proposed restriction of routing in connection with rates on lumber, in carloads, from southeastern points to Covington and Newport, Ky., found justified. Order of suspension vacated and proceeding discontinued.

*Fitchburg Gas & Electric Light Co. v. Boston & M. R.*, 147 I. C. C. 145.

39. Interstate rate for the inland haul from Salem to Fitchburg, Mass., on bituminous coal shipped from Hampton Roads, Va., found unreasonable for the future. Reasonable rate prescribed.

40. Rate for switching the above-described traffic at Fitchburg found not unreasonable, and allegations of unjust discrimination and undue prejudice not sustained.

*Automatic train-control devices*, 147 I. C. C. 152.

41. After inspection and test, installation found to meet the requirements of our specifications and order, and installation approved, except as indicated.

42. Requirements prescribed in respect of certain apparatus and operations with which the carrier is expected promptly to comply.

*Consolidated southwestern cases, 147 I. C. C. 165.*

43. Time for revising the rates on untreated commodities and on products of the Southwest and Kansas-Missouri territory, extended.

44. Findings made nonapplicable to the rates of certain commodities.

45. Orders vacated with respect to rates on fruits and vegetables from southwestern Texas to the southwestern gateways, Missouri River cities, and defined territories.

*Hardaway Contracting Co. v. Seaboard A. L. Ry. Co., 147 I. C. C. 169.*

46. Rate on gravel, in carloads, from Montgomery, Ala., to Norfleet, Fla., found not unreasonable. Complaint dismissed.

*Raleigh Savings Bank & Trust Co. v. Atlantic C. L. R. Co., 147 I. C. C. 171.*

47. Combination rate charged on cotton, in carloads, from Angier, N. C., to Spray, N. C., over interstate routes, found inapplicable. Reparation awarded.

48. Similar rate charged on shipments to Greenville and Union, S. C., found applicable.

*Shreveport Chamber of Commerce v. Houston & S. R. Co., 147 I. C. C. 173.*

49. Carload rate on lamp chimneys from Shreveport, La., to El Paso, Tex., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Tobacco Foil Co. v. Richmond, F. & P. R. Co., 147 I. C. C. 175.*

50. Rates on lead dross and pig lead, in carloads, from Richmond, Va., to Baltimore, Md., Philadelphia, Pa., Newark, N. J., and New York, N. Y., found not unreasonable. Complaint dismissed.

*Rates on fertilizers and fertilizer materials, 147 I. C. C. 178.*

51. Minimum weight of 30,000 pounds maintained on intrastate shipments of fertilizers and fertilizer materials within the State of South Carolina found to unduly prejudice interstate shippers and unduly prefer shippers located within that State and to result in unjust discrimination against interstate commerce. The undue prejudice and unjust discrimination ordered removed.

*Benson-Quinn Co. v. Director General, 147 I. C. C. 185.*

52. Charges for reconsignment at Willmar, Minn., of eight carloads of oats originating at points in South Dakota and Minnesota found inapplicable. Reparation awarded.

53. Claim covering like charges on two carloads of oats found barred by the statute of limitations.

*Waggoner-Gates Milling Co. v. Atchison, T. & S. F. Ry. Co., 147 I. C. C. 187.*

54. Rates on grain originating on the Missouri Pacific beyond Kansas City, Mo.-Kans., moved over that line to Independence, Mo., there milled and the products reshipped over the same road to Kansas City for delivery to points in various States on its own lines or those of other defendants, found applicable and not unreasonable or otherwise unlawful. Complaint in No. 16078 dismissed.

55. Rates assailed on grain originating beyond Kansas City on foreign lines, moving thence over the Missouri Pacific to Independence for milling and the products returned to Kansas City or beyond over lines of the variously named defendants found applicable but unreasonable. Rates for the future prescribed.

56. Combination rates to or from Independence from or to points on connections of the Missouri Pacific found unreasonable but not unduly prejudicial. Rates for the future prescribed.

57. Reparation on past shipments in Sub-Nos. 1 to 4, inclusive, denied.

58. Complaints in Sub-Nos. 5 and 6 dismissed upon motion of complainant.

*Stein Potato Co. v. Chicago & N. W. Ry. Co., 147 I. C. C. 198.*

59. Rate charged on a carload of potatoes shipped from Goodland, Minn., to Minneapolis, Minn., stored in transit at that point and reshipped to Correctionville, Iowa, found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*Colorado v. Atchison, T. & S. F. Ry. Co., 147 I. C. C. 201.*

60. Rates on potatoes, in carloads, from Greeley district of Colorado to destinations in Arkansas, Tennessee, Mississippi, and Alabama, found unreasonable and to destinations in Missouri, Arkansas, Tennessee, and Alabama found unduly prejudicial. Rates from same district to other destinations in western



trunk-line, southwestern, and Mississippi Valley territories, found not unreasonable or otherwise unlawful.

61. Rates on same commodity from Red River Valley district in Minnesota and North Dakota to destinations in Arkansas, Oklahoma, and Louisiana, found unreasonable, and to destinations in these States and in Wisconsin, Iowa, Illinois, Tennessee, Mississippi, Alabama, Missouri, and Kansas, not unreasonable but unduly prejudicial.

62. Rates on cabbage, in carloads, from Greeley, Colo., and producing points grouped therewith to certain destinations in Arkansas and Oklahoma, found unreasonable. Rates on same commodity from same points to destinations in Illinois, and in western trunk-line, southwestern, and Mississippi Valley territories found not unreasonable or otherwise unlawful.

63. Reasonable rates for the future prescribed, and defendants required to remove undue prejudice.

*Calif. Dressed Beef Co. v. Kansas C., M. & O. R. Co.*, 147 I. C. C. 215.

64. Rates charged on cattle and calves, in carloads, from points in Texas and New Mexico to Los Angeles, Calif., during 1921, 1922, 1923, and to February 9, 1924, inclusive, found not to have been illegally assessed.

65. Rates on cattle and calves, in carloads, from points in Texas and New Mexico, to Los Angeles, Calif., during the period from July, 1921, to February 9, 1924, inclusive, found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaints dismissed.

*Routing grain and grain products*, 147 I. C. C. 224.

66. Proposed restriction of application of rates on grain and related commodities, in carloads, from points in western territory to destinations in Louisiana on the St. Louis Southwestern Railway found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Wilson v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 227.

67. Rates on two carloads of wrought-iron pipe and one carload of oil-well supplies from Kellyville and Depew, Okla., to Alamota, Kans., found unreasonable. Reparation awarded.

*La. Iron & Supply Co. v. Texas & P. Ry. Co.*, 147 I. C. C. 231.

68. Rate on wrought-iron pipe, in carloads, from Ranger, Tex., to Eldorado, Ark., found not unreasonable. Complaint dismissed.

*Chevrolet Motor Co. v. Chicago & N. W. Ry. Co.*, 147 I. C. C. 233.

69. Rating in Illinois classification and rate charged thereunder on passenger automobile bodies, set up or partly knocked down, from St. Louis, Mo., to Janesville, Wis., found unreasonable. Reparation awarded.

*Richmond Union Stock Yards Co. v. Chesapeake & O. Ry. Co.*, 147 I. C. C. 235.

70. Rates on livestock, in carloads, from Richmond, Va., to Baltimore, Md., found unreasonable but not unduly prejudicial. Applicable minimum weights found not unreasonable or unduly prejudicial. Reasonable rates prescribed and reparation awarded.

*Minn. Potato Growers Exch. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 239.

71. Rates on potatoes, in carloads, from origins in Minnesota and Wisconsin to destinations in Oklahoma found unreasonable. Reparation awarded.

*Aetna Oil Service v. Baltimore & O. R. Co.*, 147 I. C. C. 242.

72. Rate on crude, fuel, and gas oils, in carloads, from Louisville, Ky., to Cincinnati, Ohio, found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rate prescribed.

*Andrews Paper Co. v. Long I. R. Co.*, 147 I. C. C. 245.

73. Classification ratings and class rates on paper cups, in carloads, and less than carloads, from College Point and New York, N. Y., to Washington, D. C., found unreasonable. Reparation awarded.

*Terre Haute Chamber of Commerce v. Ahnapee & W. Ry. Co.*, 147 I. C. C. 247.

74. Rates on overalls, overshirts, duck coats, and men's work clothes, any quantity, from Terre Haute, Ind., to Chicago, Ill., and Milwaukee, Wis., found not unreasonable or unduly prejudicial. Case dismissed.



*Vinci v. Cleveland, C., C. & St. L. Ry. Co.*, 147 I. C. C. 250.

75. Carload rates charged on fresh cabbage from Natchez, Crystal Springs, and Foster, Miss., and on wrapped fresh tomatoes from Natchez to Indianapolis, Ind., found unreasonable. Reparation awarded.

*Valley Electrical Supply Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 253.

76. Rate charged on electric combination cookers, in less than carloads, from Toledo, Ohio, to Fresno, Calif., found inapplicable. Applicable rate found not unreasonable. Reparation awarded.

*Burroughs Adding Machine Co. v. Wabash R. Co.*, 147 I. C. C. 256.

77. Rate on adding machines, in carloads, from Detroit, Mich., to San Francisco, Calif., found not unreasonable. Complaint dismissed.

*Stovall v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 259.

78. Rate charged on carload of oil-well supplies from Tulsa, Okla., to Carlsbad, N. Mex., found unreasonable. Reparation awarded.

*Lone Star Gas Co. v. Alton & S. R.*, 147 I. C. C. 261.

79. Charges for transportation of one carload of wrought-iron pipe from Wheeling, W. Va., to Vernon, Tex., found unreasonable. Reparation awarded.

*Lehigh Portland Cement Co. v. Chesapeake & O. Ry. Co.*, 147 I. C. C. 263.

80. Rates charged on cement in carloads, from Fordwick, Va., to Robbinsville, N. C., and Kilsyth, W. Va., found inapplicable. Reparation awarded.

*Ladd Lime & Stone Co. v. Seaboard A. L. Ry. Co.*, 147 I. C. C. 266.

81. Rates on lime, in carloads, from Ladds, Ga., to Guntersville, Ala., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Raleigh Savings Bank & Trust Co. v. Atlantite C. L. R. Co.*, 147 I. C. C. 269

82. Rates on cotton, in carloads, from Four Oaks and Smithfield, N. C., to Greenville, S. C., found inapplicable. Reparation awarded.

*James Mfg. Co. v. Chicago & N. W. Ry. Co.*, 147 I. C. C. 271.

83. Charges collected on a mixed carload of sheet-metal flues and elbows, livestock stalls, and orchard sprayers, from Fort Atkinson, Wis., to Elmira, N. Y., found to have been in excess of those applicable. Reparation awarded.

*Import fertilizer to southern points*, 147 I. C. C. 274.

84. Proposed import rates on fertilizers and fertilizer materials from south Atlantite and Gulf ports to southern destinations, published to include terminal charges and line-haul rates in one factor, and applicable only over certain wharves, found not justified. Suspended schedules ordered canceled and the proceeding discontinued.

*Restriction in routing iron and steel articles*, 147 I. C. C. 282.

85. Proposing routing restriction on iron and steel articles, in carloads, from Steelton, Minn., to all destinations on the Chicago, St. Paul, Minneapolis & Omaha and the Chicago & North Western found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Chemical Lime Co. v. Bellefonte C. R. Co.*, 147 I. C. C. 285.

86. Rates on various commodities from numerous points to Chemical, Lime Centre, and State College, Pa., found not unreasonable prior to the effective date of the orders for the future entered in connection with prior reports, 136 I. C. C. 333 and 139 I. C. C. 507. No damage shown to have resulted from any undue prejudice that may have existed.

*Gopher State Canneries v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 291.

87. Rates on tin cans, in carloads, from Chicago, Ill., to Watertown, and Winsted, Minn., found not unreasonable on past shipments, but unreasonable for the future. Reasonable rate prescribed.

88. Rates on canned goods, in carloads, from Watertown and Winsted, Minn., to San Francisco, Los Angeles, and other California points taking some rates, found not unreasonable.

*American Farm Bureau Fed. v. Akron & B. B. R. Co.*, 147 I. C. C. 295.

89. Rates on cattle, hogs, and sheep for fattening and feeding purposes, in carloads, to points in Indiana, Ohio, Pennsylvania, Maryland, and New York

from Chicago and East St. Louis, Ill., Kansas City and South St. Joseph, Mo., Omaha, Nebr., South St. Paul, Minn., and Sioux City, Iowa, and from certain minor markets in Maryland, Illinois, Pennsylvania, Ohio, Indiana, Michigan, New York, and Kentucky, found not unreasonable or unduly prejudicial. Complaint dismissed.

*Meridian Traffic Bureau v. Columbus & G. Ry. Co.*, 147 I. C. C. 300.

90. Rates on domestic fruits and vegetables, in carloads, and less than carloads, from New Orleans, La., and Mobile, Ala., to Meridian, Miss., found unduly prejudicial, but not otherwise unlawful. Nonprejudicial basis of rates prescribed.

*Southern Cement Rates*, 147 I. C. C. 303.

91. Upon further consideration rule for computing distances in connection with rates prescribed in original report, 132 I. C. C. 427, modified.

*Automatic train-control devices*, 147 I. C. C. 305.

92. After inspection and test, installation found to meet the requirements of our specifications and order, and installation approved, except as indicated.

93. Requirements prescribed in respect of certain apparatus and operations with which the carrier is expected promptly to comply.

*Kissel Motor Car Co. v. Chicago, M. & St. P. Ry. Co.*, 147 I. C. C. 319.

94. Through class and commodity combination rates between points east of the Indiana-Illinois boundary line and Hartford, Wis., constructed by combining the separately established factors east and west of Milwaukee, Wis., found applicable but unreasonable. Reasonable basis of rates prescribed and reparation awarded.

*Clark & Lewis Co. v. Clyde S. S. Co.*, 147 I. C. C. 325.

95. Proportional class and commodity rail rates on beverages, in carloads, from Jacksonville, Fla., to Daytona Beach, Cocoa, West Palm Beach, and Miami, Fla., for interstate movement, found unreasonable but not unduly prejudicial. Defendants expected to cancel such rates as may exceed the sixth-class rates prescribed in the recent southern class-rate revision.

96. Proportional water rates on beverages, in carloads and less than carloads, from Jacksonville to Miami for interstate movement, not found unreasonable or unduly prejudicial.

97. Reparation denied.

*Meats and Packing-House Products*, 147 I. C. C. 330.

98. Upon reconsideration, prior report, 136 I. C. C. 651, modified as indicated herein.

*Gross & Co. v. Baltimore & O. R. Co.*, 147 I. C. C. 337.

99. Fifth-class rates charged on red oil, in carloads, from Newark, N. J., to destinations in trunk-line and New England territories found applicable. Complaint dismissed.

*Ogden Packing & Provision Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 341.

100. Rates on fresh frozen meats from Ogden, Utah, to New York and Brooklyn, N. Y., and Boston, Mass., rates on lard from Ogden to New York, N. Y., Weehawken and Guttenberg, N. J., Baltimore, Md., and New Orleans, La., and rates on dry salt pork from Ogden to New Orleans, found unreasonable, and reparation awarded. Former report, 101 I. C. C. 236, modified.

101. Shipments of dry salt pork, in carloads, from Ogden to Augusta and Atlanta, Ga., Charleston, S. C., Selma, Ala., and Chattanooga, Tenn., found overcharged.

102. Other rates assailed on fresh meats and packing-house products from Ogden to Denver, Colo., Missouri River crossings, Ottumwa, Iowa, Mississippi River crossings, Chicago, Ill., and on dry salt pork to Montreal, Canada, Boston, New York, Philadelphia, Baltimore, Augusta, Atlanta, Charleston, Selma, and Chattanooga found not unreasonable, unjustly discriminatory, or unduly prejudicial.

*Okl. Traffic Asso. v. Alabama & V. Ry. Co.*, 147 I. C. C. 357.

103. Upon reconsideration, rates on denatured alcohol, in carloads, from New Orleans, Westwego, and Harvey, La., to Oklahoma City and other destinations in Oklahoma found unreasonable to the extent that they exceeded, or for the



future might exceed, the maximum reasonable fifth-class (column 40 in lieu of column 38) rates prescribed in *Consolidated Southwestern Cases*, 123 I. C. C. 203, 139 I. C. C. 535, for application from and to the same points, and reparation awarded. Findings in prior report, 128 I. C. C. 89, modified accordingly.

*Welch Grape Juice Co. v. Abilene & S. Ry. Co.*, 147 I. C. C. 361.

104. Classification ratings on unfermented grape juice, in glass bottles packed in boxes or barrels, in less than carloads in official territory, and in carloads in western territory, found unreasonable. Reasonable ratings prescribed.

*Carpenter v. Central V. Ry. Co.*, 147 I. C. C. 373.

105. Upon further hearing, fifth-class rate charged on a carload of granite monuments from Northfield, Vt., to Anderson, Ind., found applicable and not unreasonable or otherwise unlawful. Finding in original report, 93 I. C. C. 309, that the fifth-class rate charged was inapplicable reversed. Order awarding reparation set aside, and complaint dismissed.

*U. S. Bung Mfg. Co. v. Baltimore & O. R. Co.*, 147 I. C. C. 375.

106. Rates on wooden bungs, in carloads, from Cincinnati, Ohio, to New York and Brooklyn, N. Y., Philadelphia, Pa., Baltimore, Md., and Chicago, Ill., found not unreasonable. Complaint dismissed.

*General cancellation of less-than-carload commodity rates*, 147 I. C. C. 379.

107. Upon further hearing cancellation of commodity rates on fiber cans, in carloads, in the Illinois district found not justified. Certain of the rates ordered reestablished and proceeding discontinued. Previous report 140 I. C. C. 227.

*Taylor Produce Co. v. Atlantic C. L. R. Co.*, 147 I. C. C. 382.

108. Upon further hearing, basis of rates prescribed in former report, 115 I. C. C. 633, on potatoes, in carloads, from points in North Carolina and South Carolina on the Atlantic Coast Line to Kalamazoo, Jackson, Battle Creek, and Sturgis, Mich., affirmed.

109. Denial of fourth-section relief, and finding that proposed increased and reduced rates on like traffic from the same points of origin to central territory have not been justified, affirmed. Suspended schedules ordered canceled without prejudice to the establishment of rates upon the basis authorized in former report, observing from North Carolina points on the Atlantic Coast Line relationships with rates from Norfolk, Va., herein approved.

110. Rates on like traffic from points in North Carolina on the Norfolk Southern, to Michigan points above named, found unreasonable and unduly prejudicial, and lawful basis of rates prescribed. Reparation denied.

*Parkersburg Rig & Reel Co. v. Baltimore & O. R. Co.*, 147 I. C. C. 389.

111. Reparation awarded on a carload of iron and steel articles shipped from Bridgeport, Ohio, fabricated in transit at Parkersburg, W. Va., and reshipped to Glasgow, Ky., to the basis of the rate found reasonable in the report on further hearing herein, 140 I. C. C. 182. Original report 109 I. C. C. 569.

*Ariz. Corp. Commission v. Arizona E. R. Co.*, 147 I. C. C. 391.

112. Rates on various commodities, in carloads, from California to Arizona points found unreasonable, but not otherwise unlawful. Reasonable rates prescribed for the future.

*Montgomery Ward & Co. v. Abilene & S. Ry. Co.*, 147 I. C. C. 415.

113. On reargument, previous finding, 136 I. C. C. 201, that the ratings on catalogues, in carloads, were unreasonable to the extent that they exceeded rule 26 in official and fourth class in southern and western classifications, minimum 40,000 pounds in all classifications, affirmed, except that a minimum of 36,000 pounds is found reasonable and prescribed for the future.

*Cheney Bros. v. South M. R. Co.*, 147 I. C. C. 421.

114. The South Manchester Railroad found to be a common carrier lawfully entitled to participate in and receive divisions of joint interstate rates.

115. Rates on anthracite and bituminous coal, and anthracite briquettes and boulets, in carloads, from points in Pennsylvania, Maryland, and West Virginia, moving all rail to South Manchester, Conn., found unreasonable and unduly prejudicial, and on coke, in carloads, from the Connellsville region of Pennsylvania and the Cumberland region of Maryland moving all rail to South Manchester found unreasonable. Reasonable joint rates prescribed.



116. Rates on coke, in carloads, from New Haven, Hartford, and Allyn's Point, Conn., and Cambridge-Everett, Mass., to South Manchester found not unreasonable or unduly prejudicial. Rates on coal, in carloads, from the same points to South Manchester found not unreasonable or unduly prejudicial, except that the rate on bituminous coal, in carloads, from New Haven to South Manchester found unreasonable. Reasonable joint rate prescribed.

117. Reparation awarded.

118. Record insufficient to afford basis for determination of divisions to participating carriers.

*Tex. Cement Plaster Co. v. Abilene & S. Ry. Co.*, 147 I. C. C. 432.

119. Rates on returned empty cement-plaster sacks, in less than carloads, from points in Arkansas, Kansas, Illinois, Indiana, Iowa, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Alabama, Georgia, Florida, Kentucky Mississippi North Carolina, South Carolina, and Tennessee to Plasterco, Plasterco Junction, and Hamlin, Tex., found not unreasonable. Complaint dismissed.

120. Upon further consideration, finding in former report 93 I. C. C. 605, that the rates on empty returned cement bags and sacks from Texas points to Ada, Okla., were unreasonable and unduly prejudicial modified in part. Complaint dismissed.

121. Finding in former report 136 I. C. C. 279, that the rates on used, empty, cement bags, returned, in less than carloads, from points in Iowa, Nebraska, Kansas, and Missouri, to cement mills in those States were not unreasonable affirmed upon further consideration. Complaint dismissed.

*La. Farm Bureau Fed. v. Louisiana Ry. & N. Co.*, 147 I. C. C. 437.

122. Upon reconsideration finding in former report herein, 136 I. C. C. 462, that the rates charged on acid phosphate, in carloads, from New Orleans, La., to Carroll and Coushatta, La., on coastwise traffic originating at Baltimore, Md., were not unreasonable or otherwise unlawful, modified to the extent of finding that certain of the shipments were overcharged. Refund of overcharge directed. Complaint dismissed.

*Hunter Co. v. New York, N. H. & H. R. Co.*, 147 I. C. C. 439.

123. Carload rate on cocoa powder, in bulk, in barrels, from Stamford, Conn., to Norfolk, Va., found not to have been unreasonable. Complaints dismissed.

*Cudahy Packing Co. v. Chicago, B. & Q. R. Co.*, 147 I. C. C. 441.

124. Rates charged on cheese, in carloads and less than carloads, from Fond du Lac, Wis., to Peoria, Ill., found applicable. Complaint dismissed.

*Wesson Coal Co. v. Missouri P. R. Co.*, 147 I. C. C. 443.

125. Interstate rates on bituminous coal, in carloads, from mines in the so-called Pittsburg, Kans., group, to Topeka and Lawrence, Kans., found not to have been or to be unduly prejudicial, and found not unreasonable in the past, but unreasonable for the future. Reasonable rates prescribed.

*Murphy & Son v. Ann A. R. Co.*, 147 I. C. C. 449.

126. Rates charged on automobile trucks, in carloads, from origins in Michigan, Ohio, and Indiana to destinations in Iowa, Nebraska, South Dakota, Missouri, and Colorado found applicable. Complaint dismissed.

*Parkersburg Rig & Reel Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 451.

127. Rate on rig irons, in carloads, from Tonkawa, Okla., to Madison, Kans., found unreasonable. Reparations awarded.

*Armour & Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 454.

128. Applicable rate on crude glycerine, in tank-car loads, from Los Angeles, Calif., to Chicago, Ill., found not unreasonable. Complaint dismissed.

*Skelly Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 457.

129. Shipments from Borger, Tex., to Eldorado, Kans., found to have consisted of crude oil; rates charged found applicable. Complaint dismissed.

*Anderson Co. v. Atlantic C. L. R. Co.*, 147 I. C. C. 459.

130. An embargo upon carload traffic did not suspend application of the classification rule providing that the charge for a less-than-carload shipment must not exceed the charge for a minimum carload of the same freight at the carload rate. Charges on interstate less-than-carload shipments of certain

commodities to Lakeland and other points in Florida found inapplicable. Refund of overcharges directed. Complaint dismissed.

*Williams v. Chicago & N. W. Ry. Co.*, 147 I. C. C. 461.

131. Rate charged on a carload of oats from Mission Hill, S. Dak., stored in transit at Sioux City, Iowa, and reforwarded to Lubbock, Tex., found unreasonable. Reparation awarded.

*Hagerstown Chamber of Commerce v. Western M. Ry. Co.*, 147 I. C. C. 463.

132. Upon further hearing (a) rates on bituminous coal, in carloads, from the Cumberland-Piedmont, Meyersdale, West Virginia, and Pittsburgh-Youghiogheny districts to Hagerstown and Security, Md., found unreasonable and unduly prejudicial to the extent of their excess over the contemporaneous rates to Martinsburg, W. Va., and Harrisburg, Pa. Findings in original report, 74 I. C. C. 741, affirmed; (b) rates on bituminous coal, in carloads, from the same coal districts to Union Bridge, Md., found not unreasonable in the past, but unreasonable and unduly prejudicial for the future. Reasonable and nonprejudicial rates prescribed. Findings in original report, 102 I. C. C. 391, modified in part.

133. Rates on bituminous coal, in carloads, from the Cumberland-Piedmont, Meyersdale, West Virginia, and Pittsburgh-Youghiogheny districts to Waynesboro, Pa., found unreasonable and unduly prejudicial on and since, but not prior to January 15, 1923. Reasonable and nonprejudicial rates prescribed, and reparation awarded.

*Hardee & Glaspie v. Texas & P. Ry. Co.*, 147 I. C. C. 480.

134. Carload rate charged on one oil engine, knocked down, from Mesquite, Tex., to Pleasant Hill, La., found unreasonable. Reparation awarded.

*Barker Bros. v. Michigan C. R. Co.*, 147 I. C. C. 483.

135. Upon further hearing, charges collected on gas ranges, in carloads, from Battle Creek, Mich., to Los Angeles, Calif., found unreasonable. Reparation awarded. Finding in former report, 132 I. C. C. 361 reversed in part.

*Portsmouth Chamber of Commerce v. Norfolk & W. Ry. Co.*, 147 I. C. C. 485.

136. Rate on coal, in carloads, from Thacker and Kenova districts in Virginia, West Virginia, and Kentucky, to Portsmouth, Ohio, found applicable but unreasonable. Reparation awarded.

*National Supply Co. v. Houston & T. C. R. Co.*, 147 I. C. C. 488.

137. Rate on oil-well supplies, in carloads, from Wortham, Tex., to Eldorado, Ark., found unreasonable. Reparation awarded.

*Stein Potato Co. v. Minneapolis, St. P. & S. S. M. Ry. Co.*, 147 I. C. C. 491.

138. Combination rate charged on one carload of potatoes from Hazelridge, Manitoba, Canada, to Chicago, Ill., found applicable. Complaint dismissed.

*Borden's Farm Products Co. v. New York, N. H. & H. R. Co.*, 147 I. C. C. 493.

139. Upon further hearing complainant awarded reparation for the cost of icing interstate less-than-carload shipments of milk based upon finding in original report, 92 I. C. C. 270, that the failure to ice was an unreasonable practice.

*Sinclair Refining Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 500.

140. Rates on natural gasoline, in tank-car loads, from points in Oklahoma and Kansas to Marcus Hook, Pa., and Wellsville, N. Y., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Wilcox Oil & Gas Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 503.

141. Rates on pipe, tank material, and oil-well supplies, in carloads, and on pipe and tank material, in mixed carloads, from points in Oklahoma to Pampa, Tex., found unreasonable, and in violation of section 4 of the act. Reparation awarded.

*Blue Ridge Talc Co. v. Cincinnati, N. O. & T. P. Ry. Co.*, 147 I. C. C. 507.

142. Rates on ground iron ore and on dry mortar colors, in less than carloads, from Henry, Va., to Lexington, Ky., found not unreasonable but unduly prejudicial. Under prejudice ordered removed.

*Skelly Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 510.

143. Rate on wrought-iron pipe, in straight carloads, and on wrought-iron pipe and steel tank material, in mixed carloads, from Apperson, Okla., to Norphlet, Ark., found unreasonable. Reparation awarded.



*Newport Co. v. Louisville & N. R. Co.*, 147 I. C. C. 513.

144. Rate on naphtha, in tank-car loads, from Wood River, Ill., to Bay Minette, Ala., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Brunswick-Balke-Collender Co. v. Pere M. Ry. Co.*, 147 I. C. C. 517.

145. The two-for-one provision in rule 34, section 3(b), of the classification is applicable where two cars are furnished in lieu of a car of greater length ordered, but not where one or both of the cars furnished are of the length ordered, although their height is less than ordered.

146. When a shipper uses for a single shipment two cars of the length of the one car ordered, or one car of that length and one shorter car, but of less height than ordered, charges should be based on the minimum weight applicable to each of the cars so used, or actual weight where greater than the minimum.

147. Defendants' failure to provide for the application of the two-for-one provision to the height of cars as well as to length found not unreasonable or otherwise unlawful. Complaint dismissed.

*Sweeney, Lynes & Co. v. Atlantic C. L. R. Co.*, 147 I. C. C. 522.

148. Rates on strawberries from certain points in North Carolina to Boston, Mass., found unreasonable. Reparation awarded.

*Meridian Traffic Bureau v. Gulf, M. & N. R. Co.*, 147 I. C. C. 525.

149. Rate on salt, in carloads, from Weeks Island, La., to Meridian, Miss., found unreasonable. Reparation awarded.

*Dorgan-McPhillips Packing Corp. v. Louisville & N. R. Co.*, 147 I. C. C. 529.

150. Rate on empty tin cans, in carloads, from New Orleans, La., to Bayou La Batre, Ala., prior to December 14, 1925, found unreasonable, but not unduly prejudicial. Reparation awarded. Rate on like traffic on and after December 14, 1925, found not unreasonable or unduly prejudicial.

*Globe Grain & Milling Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 532.

151. Charges on two carloads of bulk kaffir corn from Melrose, N. Mex., to Monrovia and Santa Barbara, Calif., found unreasonable. Reparation awarded.

152. Defendants' failure to provide carriers' convenience rule, described herein for the traffic here considered, found unreasonable. Reasonable rule prescribed for the future.

*Western Shade Cloth Co. v. Canadian N. Ry. Co.*, 147 I. C. C. 535.

153. Carload rate charged on window-shade cloth, plain, uncut, and undecorated, in boxes and rolls wrapped in paper, from Chicago, Ill., to Buffalo, N. Y., found applicable but unreasonable. Reparation awarded.

*Twin Lakes Oil Corp. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 538.

154. Rate on oil-well supplies, in carloads, from Sayre, Okla., to Artesia, N. Mex., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*Norfolk Tallow Co. v. Chesapeake & O. Ry. Co.*, 147 I. C. C. 542.

155. Rates on inedible animal tallow and grease, in carloads, from Norfolk, Va., to Baltimore, Md., Philadelphia, Pa., and specified New York, N. Y., rate points found not unreasonable. Complaint dismissed.

*Mfrs. Traffic Bureau v. Baltimore & O. R. Co.*, 147 I. C. C. 546.

156. Upon further consideration, original findings and order respecting the rates on wooden doors, in carloads, from St. Joseph, Mich, modified in certain respects. Former report, 142 I. C. C. 411.

*Lawrence Plywood Corp v. Canadian P. Ry. Co.*, 147 I. C. C. 547.

157. Rates charged on lumber, in carloads, from certain points in New Brunswick, Canada, to Carrabasset, Me., found not to be unreasonable or inapplicable, but to have been inapplicable when the shipments moved. Reparation awarded.

*Woolen mill supplies from Mass.*, 147 I. C. C. 551.

158. Proposed cancellation of less-than-carload commodity rate on woolen mill supplies from Boston and other points in Massachusetts to destinations in New Hampshire and Vermont, and on wool noils from Manchester, N. H., to



Winooski and Burlington, Vt., found justified. Order of suspension vacated and preceeding discontinued.

*Folbert Auto Speciality Co. v. New York C. R. Co.*, 147 I. C. C. 555.

159. First-class rating and rates on automatic windshield cleaners, in less than carloads, in official, southern, and western classifications, and rates charged in connection therewith, found applicable and not unreasonable or otherwise unlawful. Complaints dismissed.

*National Tube Co. v. Director General*, 147 I. C. C. 559.

160. Rates charged on shipments of wrought pipe, in carloads, from Ellwood City, McKeesport, and Pittsburgh, Pa., Syracuse, N. Y., Lorain, Ohio, and Wheeling, W. Va., to destinations in California during the period of Federal control found applicable. Complaint dismissed.

*Sinclair Oil & Gas Co. v. Chicago, R. I. & G. Ry. Co.*, 147 I. C. C. 561.

161. Rates on iron and steel pipe and fittings, casing, tubing, tank material, and oil-well supplies, in carloads, between points in Oklahoma and points in Texas found unreasonable. Reparation awarded.

*Shoe Polish Mfrs.' Asso. v. New York, N. H. & H. R. Co.*, 147 I. C. C. 566.

162. First-class rating on liquid shoe polish, in glass, in less than carloads, in official, southern, and western classifications, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Rodney Milling Co. v. St. Louis-S. F. Ry. Co.*, 147 I. C. C. 569.

163. Applicable carload rates on grain originating in Kansas, milled in transit, and the products shipped to interstate destinations in Arkansas, Kansas, and Missouri found unreasonable. Reparation awarded and waiver of undercharges authorized. Refund of certain overcharges directed. Rates for the future prescribed.

164. Proposed increased rates on grain products, in carloads, from certain points in Kansas to interstate points in Arkansas, Kansas, and Missouri found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Gwin, White & Prince v. Great N. Ry. Co.*, 147 I. C. C. 575.

165. Transportation and refrigeration charges collected on a carload of apples from Wenatchee, Wash., to Tampa, Fla., found applicable. Complaint dismissed.

*Maljamar Oil Corp. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 577.

166. Applicable rate on oil-well casing or wrought-iron pipe, in carloads, from Haddam, Kans., to Artesia, N. Mex., found not unreasonable in the past, but unreasonable for the future. Reasonable rate prescribed for the future.

167. Rate on oil-well supplies, in carloads, from Haddam, Kans., to Artesia, N. Mex., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Utah Shippers Traffic Asso. v. Oregon S. L. R. Co.*, 147 I. C. C. 581.

168. Class rates from Salt Lake City, Utah, to destinations in Idaho, Montana, Oregon, and Washington found unreasonable. Reasonable rates prescribed.

*Simms Oil Co. v. Houston & T. C. R. Co.*, 147 I. C. C. 586.

169. Rate on knocked-down steel tanks, in carloads, from Wortham, Tex., to Smackover, Ark., found unreasonable. Reparation awarded.

*Babcock & Wilcox Co. v. Pennsylvania R. Co.*, 147 I. C. C. 589.

170. Rates on steel boiler tubes, in carloads, from Morado, Pa., to Cleveland and Lorain, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Fiero & Monin v. Pennsylvania R. Co.*, 147 I. C. C. 592.

171. Rates on anthracite coal, in carloads, from the anthracite region in Pennsylvania to Elmira and other destinations in New York found not unreasonable, unduly preferential, nor in violation of the fourth section. Complaint dismissed.

*Knoxville Freight Bureau v. Missouri P. R. Co.*, 147 I. C. C. 597.

172. Rates on carbon black, in carloads, from the Monroe, La., gas district to Knoxville, Tenn., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Luffman & Son v. Seaboard A. L. Ry. Co.*, 147 I. C. C. 600.

173. Refusal of defendant, Seaboard Air Line, in connection with two carloads of fresh green corn shipped from Citra, Fla., to New York, N. Y., during June, 1924, to permit complainants to place ice in the interior of the cars over the tops of the crates, found not unjustly discriminatory or illegal. Complaint dismissed.

*Gutmann & Co. v. Baltimore & O. R. Co.*, 147 I. C. C. 603.

174. Rates on quebracho and tanning extracts, dry and liquid, from Boston, Mass., New York, N. Y., and New York rate points to Chicago, Ill., found neither unreasonable nor unduly prejudicial. Complaint dismissed.

*Mather Bros. v. Atlanta, B. & A. Ry. Co.*, 147 I. C. C. 607.

175. Charges collected on a shipment of mixed furniture in two cars from Atlanta, Ga., to West Palm Beach, Fla., found inapplicable and applicable charges found not unreasonable. Complaint dismissed.

*Sunbury Converting Works v. Colonial N. Co.*, 147 I. C. C. 611.

176. Transfer charge between piers in New York on less-than-carload, water-and-rail shipments of dry goods from Providence, R. I., to Sunbury, Pa., found inapplicable. Reparation awarded.

*Individual Drinking Cup Co. v. Akron, C. & Y. Ry. Co.*, 147 I. C. C. 613.

177. In accordance with the findings in *Public Service Cup Co. v. A. C. L. R. R. Co.*, 118 I. C. C. 697, reparation awarded on shipments of paper cups moving prior to February 24, 1927, in carloads, in official, southern, and western territories, and in less than carloads, in official territory.

178. Ratings and rates applied on shipments of paper cups, in less than carloads, in southern and western territories found not to have been unreasonable.

*Portland Co. v. New York, N. H. & H. R. Co.*, 147 I. C. C. 615.

179. Rates on core sand, in carloads, from Provincetown, Mass., and Harbor Junction Wharf, R. I., to Portland, Me., found unreasonable. Reparation awarded and rates for the future prescribed.

*Wyeth Hardware & Mfg. Co. v. Alton & E. R. Co.*, 147 I. C. C. 617.

180. Rates on iron and steel articles, in carloads, from points in Wisconsin, Illinois, Indiana, Iowa, Missouri, and from east-bank Mississippi River crossings on traffic originating east of the Indiana-Illinois State line to St. Joseph, Mo., and Atchison, Kans., found not unreasonable; but found unduly prejudicial to those destinations and unduly preferential of destinations in Missouri, Iowa, and Minnesota accorded commodity rates less than fifth class from certain of the points of origin. Undue prejudice ordered removed.

*Brooks Construction Co. v. New York C. R. Co.*, 147 I. C. C. 624.

181. Rate on sand and gravel, in carloads, from Jonesville, Mich., to Fort Wayne, Ind., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*Aroostook County Chamber of Commerce v. Aberdeen & R. R. Co.*, 147 I. C. C. 627.

182. All-rail rates on potatoes, in carloads, from points in Maine to points in New England, trunk-line, and southern territories found not unreasonable, except that rates from said origin points to certain points in New Jersey, Virginia, and North Carolina are found unreasonable. Reasonable rates prescribed to such points. Reparation denied.

*Heywood-Wakefield Co. v. Chicago, M. & St. P. Ry. Co.*, 147 I. C. C. 640.

183. Rating and rates governed thereby on theater chairs, knocked down flat, in carloads, from Chicago, Ill., to Janesville, Whitewater, Jefferson, and Madison, Wis., found unreasonable. Reparation awarded.

*Merchants & Planters Food Co. v. Louisville & N. R. Co.*, 147 I. C. C. 643.

184. Rate on acid phosphate, in carloads, from West Nashville, Tenn., to North Little Rock, Ark., found not unreasonable or otherwise unlawful. Complaint dismissed.



*Obermayer & Co. v. Ann A. R. Co.*, 147 I. C. C. 646.

185. Fifth-class rating on crude graphite, in barrels, or bags, in carloads, between points in official classification territory found unreasonable but not otherwise unlawful. Sixth-class rating prescribed. Reparation denied.

*Changes in official, southern, and western classifications*, 147 I. C. C. 649.

186. Increased less-than-carload ratings in southern classification on harrow, plow, or cultivator disks, iron-and-wire gates, plain steel power shafting, wheeled elevating road graders, and partially or completely assembled fertilizer distributors found justified.

187. Increased less-than-carload rating in southern classification on set-up wheeled nonelevating road graders, and increased carload rating in southern, official, and western classifications on set-up wheeled elevating road graders, found not justified.

188. Increased carload minimum weight on cottonseed shavings or hull fiber, not bleached or dyed, in southern, official, and western classifications, found justified.

189. Increased carload minimum weight on bleached or dyed cotton linters or regins, and bleached or dyed cottonseed shavings or hull fiber, in southern, official, and western classifications, found not justified.

190. Amendment of southern, official, and western classifications defining range boilers as "other than automatic or instantaneous" found not to effect any changes in ratings.

*Holland-St. Louis Sugar Co. v. New York, C. & St. L. R. Co.*, 147 I. C. C. 665.

191. Rates on sugar beets, in carloads, from certain points in Ohio to Decatur, Ind., found unreasonable. Reparation awarded.

*Federated Metals Corporation v. Central R. Co. of N. J.*, 147 I. C. C. 669.

192. Carload rate charged on brass borings and turnings from Elizabethport, N. J., to Pittsburgh, Pa., found unreasonable. Reparation awarded.

*White Star Refining Co. v. Illinois T. Co.*, 147 I. C. C. 671.

193. Rates on crude oil and casing-head gasoline, in carloads, from points in Oklahoma group 3 to destinations in central territory and Canada, refined at Wood River, Ill., found not unreasonable, or otherwise unlawful. Complaint dismissed.

*Southern Hardwood Traffic Asso. v. Cumberland T. Co.*, 147 I. C. C. 675.

194. Rates charged on certain carload shipments of wooden rim strips from Winfrey's Landing and Bluff, Ky., to St. Mary's, Ohio, found inapplicable. Reparation awarded.

*National Cannery Asso. v. Ann A. R. Co.*, 147 I. C. C. 677.

195. Rates on canned goods, in carloads, from points in Wisconsin to destinations in New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, found not to have been unreasonable. Complaint dismissed.

*Olean Sand & Gravel Corp. v. Buffalo & S. R. Corp.*, 147 I. C. C. 688.

196. Rate charged on six carloads of gravel shipped from Machias, N. Y., to Wellsboro Junction, Pa., during September, 1924, found unreasonable. Reparation awarded.

197. A through route with a just and reasonable rate applicable thereto found to have been established for the future between the points and on the traffic here involved.

*Swayne, Robinson & Co. v. Baltimore & O. R. Co.*, 147 I. C. C. 691.

198. Rates on molding sand, in carloads, from Sandusky, Ohio, and points grouped therewith and from Wooster and Kauke, Ohio, to Richmond, Ind., found unreasonable but not unduly prejudicial. Reparation awarded.

199. Intrastate rates on the same commodity from the same points of origin to certain Ohio destinations not shown to result in unjust discrimination against interstate commerce or undue prejudice to persons or localities engaged therein.

*Allendale Grocery Co. v. Atlantic C. L. R. Co.*, 147 I. C. C. 696

200. Rates on baled hay, in carloads, from points in New York, Pennsylvania, Maryland, Vermont, and Canada to Allendale, S. C., found not unreasonable or unduly prejudicial. Complaint dismissed.



*International Agr. Corp. v. Seaboard A. L. Ry. Co.*, 147 I. C. C. 699.

201. Charges collected on drag line excavating machinery, in carloads, from Milwaukee, Wis., to Mulberry, Fla., found applicable. Complaint dismissed.

*Pillsbury Flour Mills Co. v. Chicago G. W. R. Co.*, 147 I. C. C. 701.

202. Rate charged on a carload of wheat from Rogers, Nebr., to Minneapolis, Minn., there milled in transit and the product shipped to Buffalo, N. Y., found inapplicable. The collection of undercharges directed and complaint dismissed.

*Diamond Match Co. v. New York, N. H. & H. R. Co.*, 147 I. C. C. 703.

203. Rate on waste or scrap paper, in carloads, from Oxford, Conn., to Middletown, Ohio, found not unreasonable. Complaint dismissed.

*Larabee Flour Mills Co. v. St. Louis S. F. Ry. Co.*, 147 I. C. C. 706.

204. Out-of-line charges on grain, in carloads, from points in southwest Missouri, milled in transit at Clinton, Mo., and the products thereof shipped in carloads to destinations in various States found applicable but unreasonable. Reparation awarded and waiver of outstanding undercharges authorized.

*Ohio Match Co. v. Arizona S. R. Co.*, 147 I. C. C. 709.

205. Rates on matches, in carloads, from Wadsworth, Ohio, to Colorado common points and certain other destinations as far west as the Pacific coast found not unreasonable, unjustly discriminatory, or unduly prejudicial as compared with rates from Chico, Calif., and Tacoma, Wash. Latter found not less than reasonable minima. Complaint dismissed.

*Lehmaier, Schwartz & Co. v. Seaboard A. L. Ry. Co.*, 147 I. C. C. 713.

206. Rate on lead-foil wrappers, in carloads, from Richmond, Va., to Reidsville, Durham, and Winston-Salem, N. C., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

*Union Metal Mfg. Co. v. Michigan C. R. Co.*, 147 I. C. C. 716.

207. Rate on core sand, in carloads, from Michigan City, Ind., to Canton, Ohio, found not unjustly discriminatory or unduly prejudicial. Complaint dismissed.

*Joslyn Mfg. & Supply Co. v. Baltimore & O. R. Co.*, 147 I. C. C. 718.

208. Rates on wooden insulator pins and brackets, in carloads, from points in Maryland and Virginia to points in western trunk-line and central territories found unreasonable, but not otherwise unlawful. Reasonable rates prescribed and reparation awarded.

*Knight-Luttrell Iron Co. v. Southern Ry. Co.*, 147 I. C. C. 721.

209. Rate on scrap iron and scrap steel, in carloads, from Rock Hill, S. C., to Oakland City, Ga., found not unreasonable. Rates on like traffic from certain other points in South Carolina to Oakland City, found unreasonable. Reasonable rates prescribed and reparation awarded.

*Southern Wood Products Co. v. Marianna & B. R. Co.*, 147 I. C. C. 725.

210. Carload rates charged on pine tar from Gaskins Siding, Fla., to New Haven and Naugatuck, Conn., found unreasonable. Reparation awarded.

*Squeez Ezy Mop Co. v. New Orleans & N. R. Co.*, 147 I. C. C. 727.

211. Rate on mop handles in the white, in carloads, from Lumberton, Miss., to New Orleans, La., found unreasonable. Reparation awarded.

*Philipp Bros. v. Long I. R. Co.*, 147 I. C. C. 729.

212. Rate on cullet (broken glass), in carloads, from Bushwick, Long Island, N. Y., to Newark and Chrome, N. J., found not unreasonable. Complaint dismissed.

*Swift & Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 731.

213. Rates charged on dressed poultry, in carloads, from points in Kansas and Missouri to destinations east of the Mississippi River found applicable. Complaints dismissed.

*Kay Mfg. Co. v. Ann A. R. Co.*, 147 I. C. C. 735.

214. Ratings on certain spring assemblies, in less than carloads, in southern and western classifications found not unreasonable or otherwise unlawful.

215. Rating on same commodity, in less than carloads, in official classification found unreasonable. Reasonable rating prescribed for the future and reparation denied.

*Atlas Waste Material Co. v. Pennsylvania R. Co.*, 147 I. C. C. 740.

216. Rates on cotton-factory sweepings, in bales, in carloads, from Baltimore, Md., to York, Pa., found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed and reparation awarded.

*Bissel Co. v. Pennsylvania R. Co.*, 147 I. C. C. 743.

217. Rate charged on wooden insulator pins, in carloads, from Hagerstown, Md., to Toledo, Ohio, found unreasonable, but not otherwise unlawful. Reparation awarded.

*Newsprint Paper from Lake Charles*, 147 I. C. C. 746.

218. Proposed increased rates on newsprint paper, in carloads, from Lake Charles, La., to Shreveport, Monroe, and Ruston, La., found not justified. Suspended schedules ordered canceled and proceeding discontinued, without prejudice to the filing of new schedules in conformity with the views expressed herein.

*Mesa Orchard Co. v. Oregon S. L. R. Co.*, 147 I. C. C. 749.

219. Carload rates on apples, pears, and peaches, from Mesa, Council, Plaza, Homedale, and Erb, Idaho, and Brogan, Oreg., to points in California, Colorado, and all points east thereof to and including Chicago, Ill., St. Louis, Mo., and New Orleans, La., found not unreasonable but unduly prejudicial. Undue prejudice ordered removed.

*Home Builders Supply Co. v. Atlantic C. L. R. Co.*, 147 I. C. C. 755.

220. Rates charged on lumber, in carloads, from Ariton, Brundige, Daleville, and Elba, Ala., and Albany, Ga., to Lakeland, Fla., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Owosso Mfg. Co. v. Michigan C. R. Co.*, 147 I. C. C. 758.

221. Charges on a shipment of window screens from Owosso, Mich., to San Francisco, Calif., found applicable. Claim for reparation on account of alleged unreasonable charges found barred by the statute of limitations. Present rate found not unreasonable or otherwise unlawful. Complaint dismissed.

*Minimum charge per car on peddler cars*, 147 I. C. C. 761.

222. Proposed minimum charges on peddler cars, containing less-than-carload shipments of packing-house products and fresh meats, moving between points in New Mexico, Arizona, and other States, increased from fourth-class rate to less-than-carload fresh-meat rate for 10,000 pounds from point of origin to final destination of car; also, classification of minimum-charge rules at present on fresh-meat rate basis, found justified. Order of suspension vacated and proceeding discontinued.

*Chicago Live Stock Exch. v. Pennsylvania R. Co.*, 147 I. C. C. 767.

223. Charges collected for bedding placed, on order of shippers, in cars used for the interstate transportation of livestock, where such bedding is in addition to the amount defendant is required by law to furnish, found not to constitute overcharges. Complaint dismissed.

*Clinchfield Coal Corp. v. Carolina, C. & O. Ry.*, 147 I. C. C. 769.

224. Rates on bituminous coal, in carloads, from mines at Dante, Clinchfield, and Wilder, Va., to certain destinations in Virginia and North Carolina, found not unreasonable but unduly prejudicial.

*Publication of Rates Between United States and Canada*, 147 I. C. C. 778.

225. After hearing of oral argument in this proceeding, conclusion reached that no change in connection with the publication of rates for the transportation of traffic from and to points in the United States to and from points in Canada and Mexico should be required until after Congress has been afforded an opportunity to act upon recommendations concerning amendments to and changes in pertinent provisions of the interstate commerce act to be made by the commission in the premises.



*Routing of Grain from South Texas Points*, 147 I. C. C. 782.

226. Cancellation of routing under joint rates on grain from points on the Chicago, Rock Island & Pacific Railway to south Texas points found not justified. Suspended schedules ordered canceled.

227. Cancellation of routing under joint rates on grain from points on the San Antonio, Uvalde & Gulf to points on the Chicago, Rock Island and Pacific Railway found justified. Order of suspension vacated.

*Scharff-Koken Mfg. Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 785.

228. Rate on fiberboard, pulpboard, and strawboard corrugated boxes, knocked down, in carloads, from St. Louis, Mo., to Denver, Colo., and points taking the same rates, found not unreasonable or unduly prejudicial. Complaint dismissed.

*Wilson Foundry & Machine Co. v. Ann A. R. Co.*, 147 I. C. C. 789.

229. Rate on pig iron, in carloads, from Jackson, Ohio, to Pontiac, Mich., found unreasonable and unduly prejudicial. Reparation awarded.

*Newman Co. v. Los Angeles & S. L. R. Co.*, 147 I. C. C. 793.

230. Rate on feeder cattle, in carloads, from Las Vegas, Nev., to Timba, Calif., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Turner Marble & Granite Co. v. Atlantic C. L. R. Co.*, 147 I. C. C. 796.

231. Rates charged on rough sawed marble, in carloads, from points in Tennessee and Georgia to Tampa, Fla., found inapplicable. Reparation awarded.

*Fredonia Linseed Oil Works Co. v. Atchison, T. & S. F. Ry. Co.*, 147 I. C. C. 799.

232. Rates on flaxseed, in carloads, from points in Colorado, Nebraska, Montana, and Wyoming, to Fredonia, Kans., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Needy & Co. v. Baltimore & O. R. Co.*, 148 I. C. C. 1.

233. Applicable charges for furnishing such quantities of bedding as defendant deemed adequate to fulfill its obligation to furnish safe transportation of livestock from public stockyards at Chicago, Cincinnati, and Cleveland found to be \$1 for single-deck and \$1.50 for double-deck cars. Overcharges ordered refunded.

234. Charges collected for bedding placed in cars on order of shippers in addition to such amount as carrier deemed adequate found not to be for a transportation service and not to constitute overcharges. Complaint dismissed.

*Larabee Flour Mills Corp. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 5.

235. Rates charged on numerous carloads of grain from points in Arkansas, Kansas, and other western States, accorded transit at St. Joseph, Mo., Kansas City, Mo.-Kans., Hutchinson, Marysville, and Wellington, Kans., and other points, and the grain or product forwarded to destinations in various States and via points in those States for export, found inapplicable. Applicable rates found not unreasonable or unduly prejudicial. Refund of overcharges directed. Complaints dismissed.

*Kelly, Weber & Co. v. Texas & N. O. R. Co.*, 148 I. C. C. 21.

236. Rates on two carload shipments of muriate of potash from Houston, Tex., to Lake Charles and Sacalait siding, La., found unreasonable. Reparation awarded.

237. Rates now in effect on muriate of potash, in carloads, from Houston to Lake Charles and Sacalait siding found not unreasonable.

*Winding Gulf Colliery Co. v. Chesapeake & O. Ry. Co.*, 148 I. C. C. 23.

238. Findings in prior report on further hearing, 142 I. C. C. 681, that the combination rates on coal, in carloads, from complainants' mines on the Chesapeake & Ohio Railway to eastern destinations on the Virginian Railway and from complainants' mines on the Virginian Railway to eastern destinations on the Chesapeake & Ohio Railway are unreasonable and unduly prejudicial to the extent they exceed the New River district basis of rates, modified to the extent indicated. Reasonable and nonprejudicial basis of rates prescribed for the future. Former reports, 115 I. C. C. 113; 115 I. C. C. 147; and 142 I. C. C. 681.



*Sheffield Steel Corp. v. Missouri-K-T. R. Co.*, 148 I. C. C. 31.

239. Rates on ingot molds, in carloads, from Latrobe and Josephine, Pa., and Dover, Ohio, to Kansas City, Mo., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Minneapolis, A. & C. R. Ry. Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 37.

240. Divisions accorded complainant out of joint rates and charges found not unreasonable or otherwise unlawful. Complaint dismissed.

*Phillips Petroleum Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 45.

241. On further hearing, certain shipments from points in Oklahoma to destinations in New Jersey and New York found to have consisted of natural or casing-head gasoline. Original report, 123 I. C. C. 724.

242. Amount of reparation due complainant determined.

*Hammersely Mfg. Co. v. Erie R. Co.*, 148 I. C. C. 47.

Upon further hearing found:

243. Shipments of imported wood pulp, in carloads, from Hoboken to Garfield, N. J., subject to our jurisdiction.

244. Rate on imported wood pulp, in carloads, from Hoboken to Garfield to be unreasonable. Reasonable rate prescribed for the future and reparation awarded.

245. Rate on imported wood pulp, in carloads, from New York, N. Y., to Garfield and Passaic-Dundee, N. J., to be unreasonable prior to October 11, 1927, but not thereafter. Reparation awarded. Original report, 126 I. C. C. 491, modified accordingly.

*American Rolling Mill Co. v. Pennsylvania R. Co.*, 148 I. C. C. 54.

246. Rates on iron and steel sheets and plates, in carloads, from Middletown, Ohio, to destinations in Missouri, Oklahoma, Arkansas, Texas, and Louisiana found not unreasonable or unduly prejudicial. Complaint dismissed.

*Ault & Wiborg Co. v. Baltimore & O. R. Co.*, 148 I. C. C. 59.

247. Rates on ink, in tank-car loads, from Jersey City and Newark, N. J., to Philadelphia, Pa., Baltimore, Md., Cleveland, Ohio, and Chicago, Ill., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

*Rock Island Chamber of Commerce v. Boston & A. R.*, 148 I. C. C. 63.

248. Any-quantity rating and rate on cotton duck and drill combined from Stoughton, Mass., to Rock Island, Ill., found not unreasonable. Complaint dismissed.

*Better Bedding Alliance v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 66.

249. Less-than-carload ratings on mattresses, other than feather, hair, wool, or upholstered box spring, in official, western, and Illinois classifications found not unreasonable. Complaint dismissed.

*American Cellulose & Chemical Mfg. Co. v. Pennsylvania R. Co.*, 148 I. C. C. 70.

250. Rate on common sand, in carloads, from Menantico, N. J., to Amcelle, Md., found unreasonable and in violation of the aggregate-of-intermediates provision of section 4 of the interstate commerce act. A reasonable rate prescribed for the future and reparation awarded.

251. Rate on gravel, in carloads, from and to the same points found not unreasonable or otherwise unlawful.

*Evans Milling Co. v. Baltimore & O. R. Co.*, 148 I. C. C. 73.

252. Rate on corn, in carloads, from Kansas City, Mo., when originating beyond, to Cincinnati, Ohio, when destined to points in the Southeast, via Indianapolis, Ind., found unreasonable but not otherwise unlawful. Reparation awarded.

*Sanitax Paper Co. v. Union R. Co.*, 148 I. C. C. 75.

253. Rating on printed waxed-paper wrappers, in less than carloads, from Memphis, Tenn., to destinations in the South found unreasonable. Reasonable rating prescribed.

*Simms Oil Co. v. Houston & T. C. R. Co.*, 148 I. C. C. 78.

254. Rate on one carload of secondhand iron-tank material from Mexia, Tex., to El Dorado, Ark., found unreasonable. Reparation awarded.

*Lone Star Gas Co. v. Alabama & V. Ry. Co.*, 148 I. C. C. 81.

255. Rates and basis for calculating weights on natural gasoline, in tank-car loads, from Petrolia, Gordon, and Brazos, Tex., to Pittsburgh, Franklin, and Point Breeze, Pa., found not unreasonable. Complaint dismissed.

*Bellevue Sand & Gravel Co. v. Chicago, B. & Q. R. Co.*, 148 I. C. C. 85.

256. Rates on sand and gravel, in carloads, from Koss Spur, Iowa, to certain destinations in Illinois found unreasonable. Shipments made prior to May 6, 1925, from Koss Spur to East Dubuque, Ill., found to have been overcharged. Reparation awarded and reasonable rates prescribed for the future.

*Federated Metals Corp. v. Pennsylvania R. Co.*, 148 I. C. C. 89.

257. Rates on zinc sulphate, in carloads, from Pittsburgh, Pa., to Chicago, Ill., Cleveland, Ohio, Trenton, N. J., and Gowanda, Brooklyn, and New York, N. Y., found unreasonable. Reasonable rates prescribed. Reparation denied.

*Hay and straw from Kans. and Okla.*, 148 I. C. C. 94.

258. Proposed schedules increasing and reducing rates on hay and straw, in carloads, from points in Kansas, Oklahoma, and New Mexico to destinations, among others, in Mississippi Valley territory found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

*Changes in official, southern, and western classifications*, 148 I. C. C. 97.

259. Increased less-than-carload ratings in official classification on rag or shoddy dust, scrap felt or felt clippings, scrap or waste paper, rags, carpet-mill flyings or sweepings, cordage-mill waste, flax-mill sweepings or flax waste, and jute waste, all in machine-pressed bales, found justified.

*Manville Jenckes Co. v. Akron, C. & Y. Ry. Co.*, 148 I. C. C. 109.

260. Rule 25 rating in official classification for cotton tire fabric, in any quantity, found unreasonable, as applied to carload shipments, to the extent it exceeds third class, minimum 24,000 pounds. Reparation denied.

*Tomahawk Pulp & Paper Co. v. Canadian N. Rys.*, 148 I. C. C. 115.

261. Rates on pulpwood, in carloads, from origins in Ontario and Manitoba, Canada, and in Minnesota, to Wisconsin Dam and Kings, Wis., found not unreasonable. Complaints dismissed.

*Keathly v. Louisville & N. R. Co.*, 148 I. C. C. 119.

262. Rates charged on bituminous rock, in carloads, from Bowling Green, Ky., to London and Cannelton, W. Va., found inapplicable. Applicable rate to London found not unreasonable. Reparation awarded.

*Iola Cement Mills Traff. Asso. v. Alabama & V. Ry. Co.*, 148 I. C. C. 122.

263. Upon further consideration, findings in original report, 144 I. C. C. 585, modified as to certain defendants classed as short and weak lines. Former orders amended.

*Cushman Motor Works v. Chicago, B. & Q. R. Co.*, 148 I. C. C. 125.

264. Rate on pig iron, in carloads, from Duluth and West Duluth, Minn., and Superior and Ashland, Wis., to Lincoln, Nebr., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*Procedure under barge line act*, 148 I. C. C. 129.

265. Act of Congress of May 29, 1928, amending section 3 of the Inland Waterways Corporation act, interpreted as requiring a hearing prior to the granting thereunder of a certificate of public convenience and necessity to a common carrier by water upon the Warrior River or the Mississippi River or any tributaries thereof, except in the case of present or future operation of the Inland Waterways Corporation under mandate of Congress.

266. Same act interpreted also as not contemplating hearings prior to entry of orders by the commission requiring connecting rail carriers to join with a water carrier to which such a certificate has been granted in through routes and joint rates or fixing minimum differentials between such joint rates and corresponding all-rail rates or determining and establishing the equitable divisions of such joint rates.



*Crushed stone from Hillsville*, 148 I. C. C. 142.

267. Proposed readjustment of the rates on crushed stone and screenings, in carloads, from Hillsville, Pa., and related points to interstate destinations in Ohio, Pennsylvania, and West Virginia found justified. Order of suspension vacated and proceeding discontinued.

*Southwestern Milling Co. v. Chicago, R. I. & P. Ry. Co.*, 148 I. C. C. 145.

268. Aggregate charges assessed on wheat, in carloads, shipped from points on the Chicago, Rock Island & Pacific in Kansas and Oklahoma to complainant's plant at Kansas City, Kans., there milled into flour, and the product moved in switching service to industries at Kansas City, Mo., found unduly prejudicial but not otherwise unlawful. Nonprejudicial basis of rates prescribed. Reparation awarded on certain shipments and waiver of charges on others in excess of those found nonprejudicial authorized.

*Cleveland Provision Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 152.

269. Rates on cattle, calves, hogs, sheep, and lambs, in carloads, from points in Iowa, Missouri, Kansas, Nebraska, Wisconsin, Minnesota, South Dakota, and part of Illinois, to Cleveland, Ohio, found not unduly prejudicial, but unreasonable. Establishment of the rates found reasonable herein is required by order in *Eastern Livestock Cases of 1926*, 144 I. C. C. 731, and no order for the future is necessary.

*Swanston & Son v. Western P. R. Co.*, 148 I. C. C. 159.

270. Rates on cattle, in carloads, and on sheep, in single-deck and in double-deck carloads, from certain points in Nevada, Oregon, and California moving over interstate routes to Swanston, Calif., found not unreasonable or unduly prejudicial.

271. Rates on like traffic from certain other points in Nevada, Oregon, and California moving over interstate routes to Swanston, found not unreasonable in the past but unreasonable for the future. Reasonable rates for the future prescribed.

*Badger Lumber & Coal Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 173.

272. Upon reconsideration denial of reparation in connection with finding in 136 I. C. C. 350, that the rates on lumber and lumber articles, in carloads, from Oregon, Washington, and other northwestern States to destinations on the Kansas City Railways and the Missouri & Kansas Railway were not unreasonable or unjustly discriminatory, but unduly prejudicial, reversed. Reparation awarded.

*Acme Foundry & Machine Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 175.

273. Rates on scrap iron, in carloads, from certain points in Oklahoma to Coffeyville, Kans, found unreasonable. Reparation awarded.

*United Verde Copper Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 178.

274. Rates on coal, in carloads, from origins in New Mexico and Colorado to Clarkdale, Ariz, found not unjust or unreasonable, or unduly prejudicial or preferential. Complaint dismissed.

*Automatic train-control devices*, 148 I. C. C. 185.

275. Upon further investigation and hearing, upon our own motion, with respect to installations of automatic train-stop and train-control devices and of automatic block signals, additional installations of automatic train-control devices and of automatic block signals will not be required by order at the present time. Former reports 69 I. C. C. 258, and 91 I. C. C. 426.

*Federated Metals Corp. v. Central R. Co. of N. J.*, 148 I. C. C. 211.

276. Rates on alloys of lead, in carloads, from Newark, N. J., to Buffalo, N. Y., Pittsburgh, Pa., Chicago, Ill., and other destinations in Illinois, Indiana, Ohio, Pennsylvania, New York, Kentucky, and Tennessee, found unduly prejudicial to complainant and its traffic and unduly preferential of its competitors in the interior to the extent that they exceed rates on tin, either import or domestic, contemporaneously in effect between the same points. Former decision, 126 I. C. C. 703, made more specific.

*Nicoll & Co. v. Boston & M. R.*, 148 I. C. C. 217.

277. Rate on imported cast-iron pipe, in carloads, from Holyoke, Mass., freight yard to the Berkshire Ice Company siding at Holyoke, as a factor of the



rate from Boston, Mass., to the Berkshire Ice Company siding, found inapplicable; the applicable through rate found not unreasonable or otherwise unlawful. Complaint dismissed.

*St. Louis Coke & Iron Corp. v. Alabama G. S. R. Co.*, 148 I. C. C. 221.

278. Rates on pig iron, in carloads, from Granite City, Ill., to certain deliveries in the St. Louis, Mo., district, to Cape Girardeau, Mo., and to Springfield, Mo., and points taking the same rates found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future.

279. Interstate rates on this traffic to certain other destinations in central, western trunk line, and Illinois territories found not unreasonable or unduly prejudicial.

*Gillican-Chipley Co. v. Appalachian N. R. Co.*, 148 I. C. C. 227.

280. Rates on rosin and turpentine, in carloads, from certain points in interior Florida to destinations in the Eastern States found unduly prejudicial in relation to rates from Jacksonville, Fla. Nonprejudicial basis of rates prescribed.

281. Rates on rosin, in carloads, from Brunswick, Ga., to Rensselaer, N. Y., and on rosin sizing, in carloads, from Jacksonville, Fla., to Winchester, Va., found unreasonable. Reasonable rates prescribed. Reparation awarded.

*U. S. Can Co. v. Alabama G. S. R. Co.*, 148 I. C. C. 236.

282. Rates on tin cans, in carloads, from East St. Louis, Ill., to destinations in southeastern territory found not unreasonable or otherwise unlawful except in instances where the through rates charged exceeded the aggregate of intermediate rates. Reparation awarded.

*Collier-Keyworth Co. v. Ann A. R. Co.*, 148 I. C. C. 241.

283. Rating on children's vehicle gears, set up, in carloads, from Gardner, Mass., to points in official, southern, and western classification territories, found unreasonable but not unduly prejudicial. Reasonable ratings and minimum weight prescribed.

*National Bellas Hess Co. v. Long I. R. Co.*, 148 I. C. C. 246.

284. Rates on catalogues, in carloads, from Long Island City and Jamaica, N. Y., to Ypsilanti, Mich., Hammond and Vincennes, Ind., Zanesville and Cincinnati, Ohio, and Pittsburgh, Pa., found not unreasonable. Complaint dismissed.

*Petroleum and petroleum products from Oklahoma*, 148 I. C. C. 248.

285. Proposed increased rates on petroleum and petroleum products, in carloads, from points in Oklahoma to El Paso, Tex., found justified. Order of suspension vacated and proceeding discontinued.

*Grain and grain products from Kansas City*, 148 I. C. C. 251.

286. Proposed increased carload rates on grain, grain products, and commodities taking the same rates, from certain points in Nebraska, Kansas, Wyoming, Colorado, Montana, and South Dakota, prepared and milled in transit at Kansas City, Mo., and the products, namely, prepared feed, animal, poultry, or pigeon, forwarded to certain destinations in Missouri found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Parkersburg Rig & Reel Co. v. Missouri-K-T. R. Co.*, 148 I. C. C. 255.

287. Rates on fabricated iron and steel-tank material, knocked down, rig irons, and hoop or band iron, in carloads, between points in Oklahoma and Texas found unreasonable. Reparation awarded.

*National Asso. of Hat Mfrs. v. Alabama & V. Ry. Co.*, 148 I. C. C. 259.

288. Ratings in official, southern, and western classifications on hats and caps, other than millinery, n. o. i. b. n., any quantity, in fiber boxes, found not unreasonable, unjustly discriminatory, or unduly prejudicial.

289. Provision in official, southern, and western classifications that inner containers for shipments of hats and caps shall meet the classification requirements for standard fiber shipping boxes, when outer fiber container exceeds 90 united inches in dimensions, found unreasonable.

*Mason City Brick & Tile Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 266.

290. Rates on fuel and gas oils, in tank-car loads, from points in Arkansas, Kansas, and Oklahoma to Clear Lake Junction and Mason City, Iowa, found unreasonable but not otherwise unlawful. Reparation awarded.

*Waverly Paper Board Co. v. Boston & M. R.*, 148 I. C. C. 269.

291. Rate on chip board and news board, in bundles, in carloads, from Waverly, N. J., to Athol, Boston, Fitchburg, Holyoke, Lowell, and Worcester, Mass., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

*Ill. Supply Co. v. Southern Ry. Co.*, 148 I. C. C. 273.

292. Rate charged on shipments of building blocks, in carloads, from Albion, Ill., to St. Louis, Mo., found applicable and not unreasonable. Collection of outstanding undercharges directed and complaint dismissed.

*Midland Chemical Laboratories v. Atchison, T. & S. F. R. Co.*, 148 I. C. C. 276.

293. Rates on gas oil, in tank-car loads, from Wichita Falls, Tex., and certain points in Oklahoma, to Dubuque, Iowa, found unreasonable. Reparation awarded.

*Simm's Oil Co. v. St. Louis-S. F. Ry. Co.*, 148 I. C. C. 279.

294. Rates on oil-well supplies, in carloads, from Lufkin, Tex., to Smackover, Ark., and from Norphlet, Ark., to Mexia, Tex., found unreasonable. Reparation awarded.

295. Rate charged on one carload of oil-well supplies from Lufkin to Morris, Okla., found inapplicable. Reparation awarded. Applicable rate from Lufkin to Morris found not unreasonable.

*Consolidated Southwestern Cases*, 148 I. C. C. 282.

296. Footnote 9, Appendix 19, to prior report, 123 I. C. C. 203, as amended, 139 I. C. C. 535, 581, further amended so as to limit application of the approved stated differentials to traffic between New Orleans, La., and points basing thereon, on the one hand, and points on the Kansas City, Mexico & Orient Railway west of San Angelo, Tex., and points south of that line, on the other hand.

297. Prior findings, Nos. 1 to 11, inclusive, and No. 27, 123 I. C. C. 203, as amended, 139 I. C. C. 535, further modified so as to provide that, where maximum rates prescribed or approved for application to or from points in Missouri south of the Missouri River, Kansas, Arkansas, Louisiana west of the Mississippi River, Oklahoma, and Texas are reduced so as not to exceed contemporaneous corresponding rates and charges to or from Deming, N. Mex., Lago, Utah, or La Grande, Oreg., related rates to or from other points need not for that reason be made lower than the prescribed or approved maxima.

298. Prior reports, 123 I. C. C. 203, 139 I. C. C. 535, 144 I. C. C. 630, and 147 I. C. C. 165.

*Apples to Calif.*, 148 I. C. C. 285.

299. Rates on apples, pears, and peaches, in carloads, from points in Oregon and Washington to San Diego, Calif., found not unreasonable or otherwise unlawful. Complaint dismissed.

300. Schedules proposing changes, generally increases, in the rates on apples from points in Oregon, Washington, and Idaho to San Francisco and Los Angeles, Calif., and points taking the same rates, found not justified. Schedules ordered canceled and that proceeding discontinued.

*McCormick Warehouse Co. v. Pennsylvania R. Co.*, 148 I. C. C. 299.

301. Upon further hearing, practice of defendant in making allowances to the Terminal Warehouse Company for performing terminal services in connection with the loading and unloading of carload package freight at Baltimore, Md., and refusing to make such allowances to complainant, found unjustly discriminatory and unduly prejudicial. Original report, 95 I. C. C. 301, reversed.

*Diamond Pipe & Supply Co. v. Atchison, T. & S. F. R. Co.*, 148 I. C. C. 307.

302. Rates on wrought-iron pipe, in carloads, from Oilton, Okla., to Holliday, Tex., from Breckenridge, Tex., to Achille, Okla., and from Wichita Falls, Tex., to Duncan, Okla., found unreasonable in those instances in which they exceeded certain fixed percentages, for single-line and joint-line hauls, respectively, of the southwestern distance scale of first-class rates prescribed in the *Southwestern* revision. Reparation awarded.



*Texas Pacific Coal & Oil Co. v. Gulf, C. & S. F. Ry. Co.*, 148 I. C. C. 311.

303. Carload rates on steel tank material from Ranger and Marston, Tex., to Wynnewood, Byng, and Bristow, Okla., found unreasonable. Reparation awarded.

*Okla. Corporation Commission v. Abilene & S. Ry. Co.*, 148 I. C. C. 316.

304. Fourth-section relief authorized in original report and fourth-section order No. 9133, 98 I. C. C. 183, held not to apply to transit shipments.

305. General fourth-section relief approved to apply on transit shipments rates which do not conform to the provisions of section 4, but are authorized by orders of the commission.

*Rates from eastern territory*, 148 I. C. C. 323.

306. Upon further hearing, applications for authority to establish, continue, and maintain class and commodity rates from points in New England and eastern trunk-line territories and Canada to the Twin Cities lower than to intermediate points, denied. Original report herein, 109 I. C. C. 437, affirmed.

*O'Connor v. Pennsylvania R. Co.*, 148 I. C. C. 327.

307. Rate charged on bituminous asphalt rock, in carloads, from Bowling Green, Ky., to Arcola, Ind., found applicable but unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*Stoll Mfg. Co. v. Union P. R. Co.*, 148 I. C. C. 329.

308. Rates on tents and camp refrigerators, in cartons, in mixed carloads, with camp furniture, from Denver, Colo., to points in California, Oregon, and Washington, found not unreasonable or unduly prejudicial. Complaint dismissed.

*Lehigh Portland Cement Co. v. Baltimore & O. R. Co.*, 148 I. C. C. 331.

309. Rate charged on cement, in carloads, from Mitchell, Ind., to Grayson, Ky., found inapplicable. Reparation awarded.

*West Va. Brick Co. v. Baltimore & O. R. Co.*, 148 I. C. C. 333.

310. Carload of fire brick from Wellston, Ohio, to Savannah, Ga., found not misrouted. Complaint dismissed.

*Culler Lumber Co. v. Chicago & E. I. Ry. Co.*, 148 I. C. C. 335.

311. Rate charged on lumber, in carloads, from Buick, Mo., to Hillsdale, Mich., found inapplicable. Refund of overcharges directed. Complaint dismissed.

*Gateway Ray Co. v. Missouri & N. A. Ry. Co.*, 148 I. C. C. 337.

312. Rates on grain, grain products, hay, seeds, and articles taking the same rates, in carloads, from points in Oklahoma to destinations in Arkansas on the Missouri and North Arkansas found unreasonable. Reasonable rates prescribed, and reparation awarded.

*Halpern Bros. & Co. v. Central R. Co. of N. J.*, 148 I. C. C. 340.

313. Rates on scrap copper and scrap bass, in carloads, from Philadelphia, Pa., to Carteret, N. J., found not unreasonable or unduly prejudicial. Complaint dismissed.

*American Sand & Gravel Co. v. Chicago & N. W. Ry. Co.*, 148 I. C. C. 343.

314. Rates on sand, in carloads, from Algonquin and Carpentersville, Ill., to Buffington, Ind., found to have been unreasonable and in violation of the aggregate-of-intermediates provision of the fourth section. Shipments from Algonquin to Buffington found misrouted. Reparation awarded.

*Storage in transit at N. J. points*, 148 I. C. C. 348.

315. Proposed storage-in-transit charge on eastbound traffic at Newark, Port Newark, Port Newark Terminal, and South Kearney, N. J., found justified. Order of suspension vacated and proceeding discontinued.

*Norris Fertilizer Co. v. Louisville & N. R. Co.*, 148 I. C. C. 351.

316. Combination rates charged on shipments of acid phosphate, in carloads, from West Nashville, Tenn., to Rushville, Ind., found not unreasonable. Complaint dismissed.



*Richards Co. v. Boston & M. R.*, 148 I. C. C. 355.

317. Carload rates on lead ashes, from Edgeworth, Mass., to Matawan, N. J., and copper ashes, brass-foundry cinders, and residue, from Edgeworth to Laurel Hill, N. Y., found unreasonable. Reparation awarded.

*Gilliland Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 357.

318. Rates on oil-storage tanks, in carloads, and machinery, in carloads, from Haynesville, La., to Artesia, N. Mex., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Fall River Chamber of Commerce v. New Eng. S. S. Co.*, 148 I. C. C. 361.

319. Rate on braided cotton twine, any quantity, shipped by water from Fall River, Mass., to Pier 14, North River, New York, N. Y., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Hirsch Lumber Co. v. Southern Ry. Co.*, 148 I. C. C. 365.

320. Rates charged on lumber, in carloads, from Lamison, Ala., to Clearwater and Miami, Fla., and from Fulton, Ala., to Hollywood, Fla., found inapplicable. Reparation awarded.

*Columbia Chamber of Commerce v. Illinois, C. R. Co.*, 148 I. C. C. 368.

321. Rates on various commodities moving over interstate routes from various points to Columbia, Miss., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Acme Brick Co. v. Illinois C. R. Co.*, 148 I. C. C. 373.

322. Upon reconsideration finding in former report herein, 139 I. C. C. 359, that rates on brick and other clay products, in carloads, from Perla and Fort Smith, Ark., to Baton Rouge and New Orleans, La., and Jackson, Miss., were not unreasonable, reversed. Reparation awarded.

*Flynn, Welch & Yates v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 375.

323. Carload rates on wrought-iron pipe and fittings from Amarillo, Tex., and on wrought-iron pipe from Panhandle, Tex., to Artesia, N. Mex., found unreasonable. Reparation awarded.

*Grove Lime Co. v. Baltimore & O. R. Co.*, 148 I. C. C. 379.

324. Demurrage rules with respect to free time for loading and unloading sand, stone, cement, and related commodities at points on the Baltimore & Ohio in Maryland, Virginia, and the District of Columbia found not unreasonable. Complaint dismissed.

*Creamery Package Mfg. Co. v. Boston & M. R.*, 148 I. C. C. 381.

325. Ratings and corresponding class rates applied on less-than-carload shipments of worn-out copper pasteurizing coils from various points of origin to Fort Atkinson, Wis., found inapplicable. Reparation awarded.

*Saco-Lowell Shops v. New York, N. H. & H. R. Co.*, 148 I. C. C. 382.

326. Rates on core sand, in carloads, from Davisville and Bellefonte, R. I., to Biddeford, Me., found unreasonable. Reparation awarded and rates for the future prescribed.

*Albany Perforated Wrapping Paper Co. v. New York, N. H. & H. R. Co.*, 148 I. C. C. 385.

327. Rate on wood pulp, in carloads, from Port Newark, N. J., to Versailles, Conn., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Lynchburg Chamber of Commerce v. Norfolk & W. Ry. Co.*, 148 I. C. C. 388.

328. Rates on plate glass, in carloads, from Butler, Pa., and other points in the Pittsburgh, Pa., district and on imported plate glass, in carloads, from Norfolk, Va., to Martinsville, Va., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Fresh meats and packing-house products from Baltimore*, 148 I. C. C. 391.

329. Proposed increased rates on fresh meats and packing-house products, in carloads, from Baltimore, Md., to Roanoke, Va., found justified. Order of suspension vacated and proceeding discontinued.

*Hill-Lawson Co. v. Yazoo & M. V. R. Co.*, 148 I. C. C. 395.

330. Rate on green tomatoes, in carloads, from Utica, Miss., to Middlesboro, Ky., found not unreasonable. Complaint dismissed.

*Caruso, Rinella, Battaglia Co. v. American Ry. Exp. Co.*, 148 I. C. C. 397.

331. Rates charged on a carload of strawberries shipped by express from Pittsville, Md., to Boston, Mass., and diverted to Albany and Buffalo, N. Y., found applicable. Applicable rates found not unreasonable or otherwise unlawful. Complaint dismissed.

*Alabama-Georgia Syrup Co. v. Indiana H. B. R. Co.*, 148 I. C. C. 400.

332. Rate charged on shipments of glucose, in tank-car loads, from Roby, Wolf Lake, and Hammond, Ind., and Chicago and South Chicago, Ill., to Montgomery, Ala., found not unreasonable. Complaint dismissed.

*Rate on sulphuric acid from Natrona*, 148 I. C. C. 403.

333. Intrastate rate on sulphuric acid, in tank-car loads, from Natrona to Brackenridge, Pa., found not to result in violations of sections 2, 3, 13, or 15a of the interstate commerce act. Proceeding discontinued.

334. Findings and order in *Bertha Mineral Co. v. B. & O. R. R. Co.*, 112 I. C. C. 754, modified in part.

*Skelly Oil Co. v. Missouri-K.-T. R. Co.*, 148 I. C. C. 410.

335. Rate on wrought-iron pipe, in carloads, from Burkburnett, Tex., to Eldorado, Kans., found not unreasonable.

336. Rates on iron and steel tank material, in carloads, from Burkburnett, Tex., to Eldorado and Sallyards, Kans., found unreasonable. Reparation awarded.

*Keasby & Mattison Co. v. Atlantic C. L. R. Co.*, 148 I. C. C. 413.

337. Rates charged on pine lumber, in carloads, from points in North Carolina and South Carolina to Ambler, Pa., found unreasonable. Reparation awarded.

*Star Corrugated Box Co. v. Central R. Co. of N. J.*, 148 I. C. C. 416.

338. Rate on silicate of soda, in tank-car loads, from Grasselli, N. J., to Maspeth, Long Island, N. Y., found not unreasonable in the past, but unreasonable for the future. Reasonable rate for the future prescribed.

*Rupert Milling Co. v. Oregon S. L. R. Co.*, 148 I. C. C. 419.

339. Rate on alfalfa meal, in carloads, from Rupert, Idaho, to Portland, Albina, and East Portland, Oreg., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Northern West Va. Coal Operators' Asso. v. Pennsylvania R. Co.*, 148 I. C. C. 421.

340. Upon further hearing reparation awarded to certain claimants on account of undue prejudice found in former reports, 60 I. C. C. 569 and 109 I. C. C. 604, to have existed in the distribution of cars for loading coal at mines in northern West Virginia. Claims of others dismissed for failure to prove damage.

*Independent Fruit Co., v. Chicago & A. R. Co.*, 148 I. C. C. 434.

341. Rates on bananas, in carloads, from New Orleans, La., and Mobile, Ala., to destinations in Minnesota and North Dakota found unreasonable. Reasonable rates prescribed and reparation awarded.

*Elimination of Routes on Livestock From Texas*, 148 I. C. C. 439.

342. Proposed cancellation of certain of the routes now available in connection with joint rates applying on livestock from certain points on the St. Louis, Brownsville & Mexico to destinations on the Missouri-Kansas-Texas and from certain points on the San Antonio, Uvalde & Gulf to destinations on The Chicago, Rock Island & Pacific found justified. Order of suspension vacated and proceeding discontinued.

*Brownyard v. Union P. R. Co.*, 148 I. C. C. 444.

343. Upon reconsideration, found that while a bill of lading signed or accepted by the shipper is strong presumptive evidence that the shipper designated the routing shown therein, this presumption may be rebutted by clear evidence to the contrary; and that the evidence of record in these cases warrants the conclusion that the shipments in question were misrouted by the carrier's agent,

and complainants damaged thereby. Findings in 136 I. C. C. 447 and 139 I. C. C. 735 affirmed.

*Divisions of Rates in Western and Mountain-Pacific Territories*, 148 I. C. C. 457.

344. Basic formulas prescribed for the determination for the future of the just, reasonable, and equitable divisions in the aggregate which shall accrue to respondents north and south of the gateways of Kansas City and St. Louis, Mo., and East St. Louis, Cairo, Gale, and Thebes, Ill., of the joint rates applying via said gateways on freight traffic between points in western trunk-line territory and points in the Southwest, and also of the western lines' share of the joint rates applying on freight traffic via said gateways between points in the Southwest and points in the territory east of the Illinois-Indiana State line and on and north of the Ohio River and the line formed by the Chesapeake & Ohio, Norfolk & Western, and Virginian railways between Cincinnati, Ohio, and Norfolk, Va.

*Sunderland Bros. Co. v. Chicago, B. & Q. R. Co.*, 148 I. C. C. 484.

345. Rates on rough quarried stone blocks, in carloads, from Wellsville, Colo., to Omaha, Nebr., and on finished marble, in less than carloads, from Omaha to Colorado common points found not unjustly discriminatory or unduly prejudicial. Complaint dismissed.

*Ames Shovel & Tool Co. v. New York, N. H. & H. R. Co.*, 148 I. C. C. 487.

346. Rates charged on unfinished shovel handles, in carloads, from Cumberland Mills and Oakland, Me., to North Easton, Mass., Cheltenham and Beaver Falls, Pa., Anderson, Ind., and St. Louis, Mo., found unreasonable but not otherwise unlawful. Reasonable bases of rates prescribed and reparation awarded.

*Cascade Timber Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 491.

347. Rates on cedar poles and wooden piling, in single carloads, from Tacoma, Wash., to points in California, Nevada, and Arizona, and in New Mexico west of El Paso, Tex., and Belen, N. Mex., found unreasonable. Reasonable basis of rates prescribed and reparation awarded.

*Indianapolis Chamber of Commerce v. Chicago & N. W. Ry. Co.*, 148 I. C. C. 495.

348. Upon reconsideration, findings in former report, 146 I. C. C. 507, modified to include a finding that rates on toilet paper, in carloads, from Appleton, Eau Claire, and certain other points in Wisconsin to Indianapolis, Ind., are unreasonable. Reasonable and nonprejudicial rates prescribed.

*Alfalfa Growers Exch. v. Arizona E. R. Co.*, 148 I. C. C. 497.

349. Rates on hay, in carloads, from points in Arizona to destinations in southern California found not unreasonable. Complaints dismissed.

*Sinclair Refining Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 504.

350. Rates charged on gasoline, in tank-car loads, from Argentine and Coffeyville, Kans., and Cushing, Okla., to Madisonville, Ky., found inapplicable. Reparation awarded.

*Howes Co. v. Lehigh V. R. Co.*, 148 I. C. C. 507.

351. Rate charged on a less-than-carload shipment of coffee separators from Silver Creek, N. Y., to New York, N. Y., for export, found applicable. Complaint dismissed.

*Denver Rock Drill Mfg. Co. v. New York C. R. Co.*, 148 I. C. C. 509.

352. Minimum weights applicable on plain bar steel, in carloads, from upper Mississippi River crossings to Denver, Colo., on shipments originating at Syracuse, N. Y., and on the same commodity in carloads, from Milwaukee, Wis., to Denver, found unreasonable or unduly prejudicial. Complaint dismissed.

*Smith & Sons Carpet Co. v. New York C. R. Co.*, 148 I. C. C. 512.

353. Rate on wool noils and mohair noils, in carloads, from Sanford and Springvale, Me., to Nepperhan, N. Y., found not unreasonable. Complaint dismissed.



*Meats and packing-house products*, 148 I. C. C. 515.

354. Upon reconsideration Appendix B of the original report, 136 I. C. C. 651, modified to the extent of making the arbitrary prescribed from Eau Claire to St. Louis 18.5 cents instead of 20 cents.

*Krauss Bros. Lumber Co. v. Director General*, 148 I. C. C. 517.

355. Claim for reparation based upon alleged unreasonableness of the applicable rates on two carloads of lumber, from Iuka, Miss., to Forest City and Clarendon, Ark., during Federal control, found barred. Complaint dismissed.

*Stauffer Chemical Co. v. Pacific E. R. Co.*, 148 I. C. C. 519.

356. Rates from San Pedro, East San Pedro, and Wilmington, Calif., to Los Angeles, Calif., and from San Pedro to El Segundo, Calif., on crude sulphur, in carloads, received at Los Angeles Harbor by boat, found not unreasonable. Complaint dismissed.

*McEwing & Thomas Clay Products Co. v. Chicago & E. I. R. Co.*, 148 I. C. C. 527.

357. On further argument, rates charged on common brick and building block shipped since July 1, 1923, from Albion, Ill., to St. Louis, Mo., and other destinations found inapplicable, and 80 per cent rates found applicable. Previous decision, 118 I. C. C. 211, 211, reversed. Reparation awarded.

*Plunkett-Jarrell Grocery Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 530.

358. Rates charged on salt, in carloads, from Kanopolis and Hutchinson, Kans., to destinations in Arkansas, found unreasonable, but not otherwise unlawful. Reparation awarded.

*Atlantic Fish Co. v. Canadian N. Rys.*, 148 I. C. C. 533.

359. Joint rates on smoked, salted, and cured fish, in carloads, from Ha'ifax, Mulgrave, and Point Tupper, Nova Scotia, to San Francisco and Los Angeles, Calif., found not unreasonable or otherwise unlawful. Complaint dismissed.

360. Motion of defendant to dismiss for lack of jurisdiction in respect of rates for the future denied in part. Similar motion in respect of reparation denied.

*Hardaway Contracting Co. v. Chattahoochee V. Ry. Co.*, 148 I. C. C. 538.

361. Rate on stone-crushing and concrete-mixing machinery, in carloads, from Riverview, Ala., to Norfleet, Fla., found unreasonable. Reparation awarded.

*Pocahontas Tanning Co. v. Chesapeake & O. Ry. Co.*, 148 I. C. C. 541.

362. Rate on liquid chestnut tanning extract, in tank-car loads, from Waynesboro, Va., to Durbin, W. Va., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Handling charges on green hides and sheep pelts*, 148 I. C. C. 544.

363. Proposed increased charges for handling green hides and sheep pelts at Virginia, South Atlantic, and Gulf ports east of Gulfport, Miss., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Routing via Hampton & Branchville Railroad*, 148 I. C. C. 547.

364. Proposed elimination of the Hampton & Branchville as an intermediate participating carrier of traffic moving between stations on Walterboro branch of the Atlantic Coast Line and stations located principally in official and southern territories, found justified. Orders of suspension vacated.

*Wadhams Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 553.

365. Rates on refined and heavy oils, in tank-car loads, from Kansas and Oklahoma points to Janesville, Jefferson, and Fort Atkinson, Wis., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Automatic train-control devices*, 148 I. C. C. 559.

366. After inspection and test, installation found to be in conformity with plans furnished by the carrier and installation is approved except as noted.

367. Certain features in connection with the requirements and specifications are brought to the carrier's attention for further consideration and appropriate action.

*Corbin Fruit Co. v. Louisville & N. R. Co.*, 148 I. C. C. 568.

368. Rates on watermelons, in carloads, from certain points in Georgia and Florida to Corbin, Harlan, and Wallins, Ky., found unreasonable. Reparation awarded.

*Levit & Woorman v. Missouri-K.-T. R. Co. of Tex.*, 148 I. C. C. 572.

369. Carload of live poultry shipped from Taylor, Tex., consigned to Philadelphia, Pa., diverted to New York, N. Y., and rediverted to Jersey City, N. J., found misrouted. Reparation awarded.

*Automatic train-control devices*, 148 I. C. C. 575.

370. After inspection and test, installation found to be in conformity with plans furnished by the carrier and installation is approved except as noted.

371. Certain features in connection with the requirements and specifications are brought to the carrier's attention for further consideration and appropriate action.

*Sinclair Refining Co. v. Fort W. & R. G. Ry. Co.*, 148 I. C. C. 582.

372. Certain carload shipments of casing-head gasoline from Breckenridge, Burk Burnett, Desdemona, Eastland, Olden, Ranger, and South Hanlon, Tex., to Houston, Tex., found to have moved intrastate. Rate charged on casing-head gasoline, in carloads, from Laden, Okla., to Houston, found applicable. Complaint dismissed.

*St. Louis-S. F. Ry. Co. v. Mobile & O. R. Co.*, 148 I. C. C. 585.

373. Complaint asking for the establishment of an interchange switch connection between the St. Louis-San Francisco Railway and the Mobile and Ohio Railroad at Columbus, Miss., dismissed.

*U. S. Graphite Co. v. Pittsburg S. & N. R. Co.*, 148 I. C. C. 591.

374. Rates on calcined petroleum coke, in bulk, in carloads from Kaulmont, Pa., and Bayonne, N. J., to Saginaw, Mich., found not unreasonable or otherwise unlawful. Complaints dismissed.

*Ruzic v. Bonhomie & H. S. R. Co.*, 148 I. C. C. 593.

375. Rate charged on wooden staves, in carloads, from Beauregard, Miss., to Mobile, Ala., for export found inapplicable. Applicable rate found not unreasonable or unduly prejudicial. Carload rate on same commodity from Carlisle, Miss., to Mobile for export found unreasonable but not unduly prejudicial. Present rate found not unreasonable. Reparation awarded.

*Southard Feed & Milling Co. v. Chicago, R. I. & P. Ry. Co.*, 148 I. C. C. 596.

376. Rates charged on grain and grain products, in carloads, from points in Iowa and Colorado to Pensacola, Fla., found applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

*Wis. Lime & Cement Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 599.

377. Rates charged on sand and gravel, in carloads, from various points in Wisconsin on the Chicago & North Western and Chicago, Milwaukee & St. Paul to points on other lines in the Chicago district found to have been applicable and not unreasonable. Complaint dismissed.

*Lees & Sons Co. v. Reading Co.*, 148 I. C. C. 603.

378. Rate on imported wool, in carloads, from Philadelphia, Pa., to Bridgeport, Pa., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Federated Metals Corp v. Missouri P. R. Co.*, 148 I. C. C. 605.

379. Rate on brass ingots, in carloads, from St. Louis, Mo., to Denver, Colo., in effect prior to August 15, 1926, found unreasonable, but lower rate established on that date found not unreasonable. Reparation awarded.

*Washington Nursery Co. v. Southern P. Co.*, 148 I. C. C. 608.

380. Rates charged on nursery stock and certain supplies, in carloads, and less than carloads, between Toppenish, Wash., and certain points in California found not inapplicable or unjustly discriminatory but unduly prejudicial. Reparation denied. Undue prejudice ordered removed.



*Consolidated southwestern cases*, 148 I. C. C. 613.

381. Reasonable groupings and differentials authorized in connection with the rates on the traffic embraced in these proceedings from and to Chicago, North Chicago, Waukegan, and Zion, Ill., and Kenosha, Racine, and Milwaukee, Wis.

382. Minor changes provided as to groupings and differentials for traffic between Chicago, Ill., on the one hand, and certain points in western Oklahoma and western Texas, on the other.

383. Revised grouping in southwestern Texas for traffic to and from southwestern gateways, Missouri River cities, and defined territories authorized.

384. Prior reports 123 I. C. C. 203, 139 I. C. C. 535, 144 I. C. C. 630, 147 I. C. C. 165, and 148 I. C. C. 282.

*Brennan Packing Co. v. Baltimore & O. R. Co.*, 148 I. C. C. 621.

385. Rates on fresh meats, in carloads, from Detroit, Mich., Wheeling, W. Va., Buffalo, N. Y., Chicago, and East St. Louis, Ill., St. Louis, Mo., and other points west of the Mississippi River to destinations in trunk-line and New England territories on and after April 27, 1926, found to have been unreasonable, and reparation awarded. Rates on fresh meats, in carloads, from Buffalo to the territories named on and since July 26, 1926, found not to have been or to be unreasonable.

386. Rates on dried, dry-salted, smoked, and pickled meats, loose, from, to, and between points in central, trunk-line, and New England territories found to have been unreasonable, and reparation awarded.

*Cotton Mill Products Co. v. Alabama G. S. R. Co.*, 148 I. C. C. 633.

387. Rates on cotton piece goods, any quantity, from Mobile, Ala., to Boston, Mass., New York, N. Y., Philadelphia, Pa., Baltimore, Md., and points taking the same rates found not unreasonable but unduly preferential and prejudicial. Undue prejudice ordered removed.

*Pyott Sand & Gravel Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 636.

388. Rates charged on sand and gravel from and to points on the Chicago & North Western Railway and Chicago, Milwaukee & St. Paul Railway, to and from points in the Chicago district, found not unreasonable, but inapplicable under certain circumstances. Refund of overcharges directed.

*Armour & Co. v. Illinois C. R. Co.*, 148 I. C. C. 641.

389. Rate charged on strawberries, in bulk in barrels, in carloads, from Seattle, Wash., to Chicago, Ill., found not applicable. Applicable rate found not unreasonable. Complaints dismissed.

*Wichita Chamber of Commerce v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 645.

390. Rates on shelled peanuts, in carloads, from certain points in Texas to Wichita, Kans., found not to have been unreasonable, but to be unreasonable for the future. Reasonable rates prescribed. Reparation denied.

*Busse Brick Co. v. Louisville & N. R. Co.*, 148 I. C. C. 650.

391. Rate on brick, in carloads, from Latonia, Ky., to Cincinnati, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Muskegon Ry. & N. Co. v. Pere M. Ry. Co.*, 148 I. C. C. 653.

392. Public interest not found to require joint use of industry tracks branching from spur owned by Pere Marquette Railroad in Manahan Avenue, Muskegon Heights, Mich., under conditions here presented.

*Lummis & Co. v. Albemarle S. N. Co.*, 148 I. C. C. 662.

393. All-rail and rail-and-water commodity rates, which exceed the present sixth-class rates, on peanuts, not shelled, uncleaned, known as farmers' stock, in carloads, from certain points in Virginia and North Carolina to Philadelphia, Pa., found unreasonable, but not unduly prejudicial. Reasonable rates prescribed and reparation awarded.

*North State Creosoting Co. v. Southern Ry. Co.*, 148 I. C. C. 667.

394. Rate on creosote oil, in tank-car loads, from points within the Birmingham, Ala., switching limits to North Charlotte, N. C., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.



*Texas Co. v. Kansas C. S. Ry. Co.*, 148 I. C. C. 671.

395. Upon reconsideration, former report 118 I. C. C. 713, finding the rates on oil-well supplies, in carloads, from Oil C. ty, Caddo, Mansfield, and Marion, La., to Smackover and Louann, Ark., unreasonable affirmed, but bases for award of reparation modified.

*Nichols Wire, Sheet & Hardware Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 675.

396. Rates on iron and steel articles, in carloads, from points in Illinois, Indiana, and Missouri to Kansas City, Mo.-Kans., found not unreasonable. Complaint dismissed.

*Domestic Milling Co. v. Chicago & A. R. Co.*, 148 I. C. C. 680.

397. Defendant's refusal to pay interest on refunds incident to shipments of grain from various western States transited at Kansas City and Marshall, Mo., and reshipped to dest nations in Missouri and Illinois found not unreasonable or otherwise unlawful. Complaint dismissed.

*Vacuum Oil Co. v. Pennsylvania R. Co.*, 148 I. C. C. 683.

398. Rate on decorated tin plate, in carloads, from Baltimore, Md., to Bayonne, N. J., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Golden State Milk Products Co. v. Northwestern P. R. Co.*, 148 I. C. C. 687.

399. Present rates on dry powdered skim milk from Arcata and Fernbridge, Calif., to El Paso, Tex., and Phoenix, Ariz., found not unreasonable or otherwise unlawful, but rates charged on this commodity from such origin points to those destinations and to points in eastern defined territories found unreasonable to the extent that they exceeded the present rates. Reparation awarded.

*Globe Cotton Oil Mills v. Arizona E. R. Co.*, 148 I. C. C. 695.

400. Rates charged on cottonseed oil, in tank-car loads, shipped from Phoenix and Mesa, Ariz., to Los Angeles and Berkeley, Calif., from Phoenix to Wilmington, South San Francisco, Richmond, and San Francisco, Calif., prior to March 24, 1926, and from Tucson, Ariz., to Los Angeles prior to October 22, 1926, found unreasonable. Reparation awarded.

401. Rates charged on like traffic shipped from Phoenix to Los Angeles, Berkeley, and San Francisco on and after March 24, 1926, and from Tucson to Los Angeles and Berkeley on and after October 22, 1926, found not unreasonable.

*Russell Oil Co. v. Chicago, B. & Q. R. Co.*, 148 I. C. C. 700.

402. Rates on crude oil, in tank-car loads, from Osage, Wyo., to Butte, Mont., found not unreasonable. Complaint dismissed.

*Bluefield Produce & Provision Co. v. New York C. R. Co.*, 148 I. C. C. 703.

403. Shipments of various commodities, in carloads, and in less than carloads, from certain points in New York to Bluefield, Williamson, Welch, and Davy, W. Va., found misrouted. Reparation awarded.

*Alabama, Tennessee & Northern R. Corp. v. Southern Ry. Co.*, 148 I. C. C. 708.

404. Failure and refusal of defendants to enter with complainant into through routes with joint rates applicable thereover on interstate traffic moving between points on complainant's line, Mobile, Ala., to Calvert, Ala., inclusive, on the one hand, and all stations on defendants' lines, on the other hand, via York, Ala., found not in violation of the interstate commerce act except with respect to that portion of the traffic moving to and from Mobile.

405. Failure and refusal of defendants to enter with complainant into joint rates via New York on interstate traffic moving over complainant's line between Mobile and all points on defendants' lines while maintaining joint rates on like traffic in connection with other lines via Meridian, Miss., and Birmingham, Ala., found to be a discrimination in rates between connecting lines in violation of section 3, paragraph 3, of the act. Such discrimination ordered removed.

*Vinegar from St. Louis*, 148 I. C. C. 713.

406. Proposed increased rates on vinegar, in carloads, between St. Louis, Mo., or East St. Louis, Ill., and Keokuk, Iowa, found not justified. Suspended schedules ordered canceled and proceeding discontinued without prejudice to the filing of new schedules in accordance with the views expressed herein.

*Forsythe Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 717.

407. Rates on gasoline and other refined petroleum products, in carloads, from Enid, Okla., and Arkansas City, Kans., to destinations in Colorado found unreasonable. Reparation awarded and reasonable rates prescribed for the future.

*Montello Granite Co. v. Minneapolis, St. P. & S. S. M. Ry. Co.*, 148 I. C. C. 721.

408. Rate charged on rough granite, in carloads, from Westerly, R. I., and East Lyme, Conn., to Montello, Wis., found inapplicable. Reparation awarded. Applicable rate found not unreasonable or otherwise unlawful.

*Drake Marble & Tile Co. v. Southern Ry. Co.*, 148 I. C. C. 725.

409. Rates on rough-quarried marble, in carloads, from points in Alabama, Tennessee, and Georgia to Minneapolis and St. Paul, Minn., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

*Fulton Bag & Cotton Mills v. Atchison, T. & S. F. Ry. Co.*, 148 I. C. C. 732.

410. Rate charged on used burlap bags, in carloads, from New Orleans, La., to Dragon and Rainbow, Utah, found inapplicable. Refund of overcharges directed. Complaint dismissed.

*Logan-Long Co. v. Atlanta & W. P. R. Co.*, 148 I. C. C. 735.

411. Rate on asphalt shingles and prepared roofing material, in carloads, from Oakland City, Ga., to Rogers, Ark., found not unreasonable or unjustly discriminatory. Complaint dismissed.

*French Lick Springs Hotel Co. v. Chicago, I. & L. Ry. Co.*, 148 I. C. C. 737.

412. Rates on Pluto Water, in carloads, from French Lick, Ind., to Little Rock, Ark., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Luzerne Paper Corp. v. New York, N. H. & H. R. Co.*, 148 I. C. C., 740.

413. Interstate rates on rosin size, in carloads, from Waterbury, Conn., and New York, N. Y., to Hadley, N. Y., found unreasonable, but not unjustly discriminatory or unduly prejudicial. Reasonable rates prescribed for the future and reparation awarded on shipments from Waterbury.

*Krupp Foundry Co. v. Southern Ry. Co.*, 148 I. C. C. 743.

414. Rates on cast-iron pipe and fittings, in carloads, from Lansdale and Quakertown, Pa., to destinations in the States of Maryland, Delaware, Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Georgia, and Alabama found not unreasonable but unduly prejudicial to complainant in No. 16356 and unduly preferential of producers in the Birmingham, Ala., district and at Chattanooga and Knoxville, Tenn.

415. Rates on like traffic from Florence, N. J., to destinations east of the Mississippi River found not unreasonable but unduly prejudicial to complainant in No. 18431 and unduly preferential of producers at the southern origins named above.

416. Rates on like traffic from Chattanooga to destinations east of the Mississippi and north of the Ohio and Potomac Rivers and to destinations in the States of Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Maryland, and in District of Columbia found not unreasonable but unduly prejudicial to complainant in No. 16176 and unduly preferential of producers at the other southern origins named above.

417. Basis for nonprejudicial relationship prescribed and reparation denied.

418. Complaint in No. 18431 (Sub-No. 1) dismissed for lack of prosecution.

*Georgia Peach Growers Exch. v. Alabama G. S. R. Co.*, 148 I. C. C. 755.

419. Upon reargument findings in former report, 139 I. C. C. 143, wherein reasonable rates, estimated weights per package, and minimum carload weights were prescribed for application to the transportation of fresh peaches, in carloads, from points in Georgia, North Carolina, and South Carolina to destinations in official and southern territories and certain destinations in western trunk-line territory and reparation was denied, affirmed.

*Capital City Stoneware Co. v. Pennsylvania R. Co.*, 148 I. C. C. 765.

420. Rate on stoneware and flower pots, in carloads, from Roseville, Ohio, to Gary, Ind., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Hilgartner Marble Co. v. Ann A. R. Co.*, 148 I. C. C. 767.

421. Rates in effect prior to April 30, 1928, on carloads of polished marble slabs so packed as to prevent the shifting of load and insure safe transportation, from Baltimore, Md., to destinations in southern and official classification territories, found unreasonable. Reparation awarded.

*Reparation on intrastate traffic*, 148 I. C. C. 771.

422. Award of reparation by Public Service Commission of Pennsylvania, in respect of shipments of coal, in carloads, moving over intrastate routes from the Munson and Hawk Run districts of Pennsylvania to Lock Haven, Pa., during the so-called guaranty period from March 1, 1920, to August 31, 1920, inclusive, approved. Original report, 122 I. C. C. 443.

*Wool from New York Harbor points*, 148 I. C. C. 775.

423. Proposed cancellation of carload import rates on wool, in grease, in machine-pressed bales, from New York Harbor points to Clinton, Mass., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*National Tinsel Mfg. Co. v. Chicago & N. W. Ry. Co.*, 148 I. C. C. 780.

424. Rating and rate on tinsel found applicable to and reasonable for the transportation of lahn other than plain copper lahn.

425. Rating rate on copper wire found applicable to plain copper lahn. Findings in prior report, 115 I. C. C. 631, modified. Complaint dismissed.

*Lynchburg Chamber of Commerce v. Manufacturers Ry. Co.*, 148 I. C. C. 785.

426. Rate on cereal beverages, in carloads, from St. Louis, Mo., to Lynchburg, Va., found not to have been unreasonable. Damages not shown to have been sustained by reason of any undue prejudice. Complaint dismissed.

*Dallas Paper Co. v. Arkansas & L. M. Ry. Co.*, 148 I. C. C. 787.

427. Upon further hearing former finding that the rate charged on wrapping paper, in carloads, from Bastrop, La., to Dallas and Wichita Falls, Tex., was not unreasonable, affirmed. Original report 126 I. C. C. 739.

*Jessup & Moore Co. v. Akron, C. & Y. Ry. Co.*, 148 I. C. C. 791.

428. Rates on wood pulp, in carloads, from Wilmington, Del., to the western termini of trunk-line territory, to central territory, and to points west thereof, found not unreasonable. Complaint dismissed.

*Samels Bros. & White Canning Co. v. Minneapolis & St. L. R. Co.*, 148 I. C. C. 797.

429. Rate charged on tin cans, in carloads, from Chicago, Ill., to Chaska, Minn., found unreasonable and unduly prejudicial. Reparation awarded.

*Leonard, Crosset & Riley v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 1.

430. Upon further consideration, finding in original report herein, 128 I. C. C. 225, that the rates on cabbage and potatoes, in carloads, from the lower Rio Grande Valley of Texas to Cincinnati, Ohio, had been and for the future would be unreasonable and unduly prejudicial, affirmed in so far as it has reference to the rates charged on past shipments. Reparation awarded. Report on reconsideration in 136 I. C. C. 256, modified.

431. Fourth-section relief denied.

*Idaho v. Oregon S. L. R. Co.*, 151 I. C. C. 3.

432. Rates on salt, in carloads, from Kosmo, Burmester, and Saltair Junction, Utah, to points in Idaho, on the Oregon Short Line, found unreasonable but not unjustly discriminatory or unduly prejudicial. Reasonable rates and minimum prescribed for the future.

*Vanadium Corp. v. Pennsylvania R. Co.*, 151 I. C. C. 7.

433. Rates on vanadium ore, in carloads, from New York, N. Y., and other north Atlantic ports to Bridgeville, Pa., found not unreasonable. Complaint dismissed.



*Transit arrangements on grain, 151 I. C. C. 12.*

434. Proposed charges on grain and related articles received by respondent from connecting lines at St. Joseph, Mo., and Atchison and Leavenworth, Kans., moving via Kansas City, Mo.-Kans., to Independence, Mo., there milled and the products reshipped back through Kansas City to destinations in Iowa, Minnesota, and other States found justified. Order of suspension vacated and proceeding discontinued.

*Vitrolite Products Co. v. Atlantic C. L. R. Co., 151 I. C. C. 17.*

435. Rate on polished marble, in carload, from Knoxville, Tenn., to Miami, Fla., found not unreasonable. Complaint dismissed.

*Chicago Coal Merchants Asso. v. Director General, 151 I. C. C. 21.*

436. Upon further hearing, last previous findings regarding rates on coal from various producing regions to points in and adjacent to the Chicago, Ill., switching district affirmed with certain modifications. Previous reports, 73 I. C. C. 161, 89 I. C. C. 137, and 123 I. C. C. 169.

437. Reparation denied on shipments to Weber, Ill. Complaint respecting the rates to deliveries within the corporate limits of Evanston, Ill., dismissed.

*Ogden Packing & Provision Co. v. Denver & R. G. R. Co., 151 I. C. C. 33.*

438. Previous findings that the rates on fresh meats and packing-house products, in carloads, from Ogden, Utah, and rates on the same commodities and on by-products of livestock from Reno, Nev., to destinations in California, were not and are not unreasonable, unjustly discriminatory, or unduly prejudicial, affirmed. Complaints dismissed. Former reports, 101 I. C. C. 258, affirmed.

*Atlantic Terra Cotta Co. v. Atlanta & W. P. R. Co., 151 I. C. C. 45.*

439. Present proportional rates on building terra cotta, in carloads, from Jacksonville, Fla., to points in the peninsula of Florida not shown to be unreasonable or unduly prejudicial.

440. Through rates on building terra cotta, in carloads, from Rocky Hill and Perth Amboy, N. J., Tottenville, N. Y., and East Point, Ga., to points in Florida found to have been unreasonable prior to October 11, 1926, and reparation awarded.

*Goshen Veneer Co. v. Norfolk & W. Ry. Co., 151 I. C. C. 56.*

441. Rates on poplar logs, in carloads, from origins on the Norfolk & Western between Roanoke and Blackstone, Va., and between Lynchburg, Va., and Durham, N. C., inclusive, to Goshen, Ind., found not unreasonable. Complaint dismissed.

*Johannesburg Mfg. Co. v. Michigan C. R. Co., 151 I. C. C. 61.*

442. Semiweekly train and switching service accorded complainant at Johannesburg, Mich., by the Michigan Central Railroad Company not shown to be inadequate, unreasonable, or otherwise in violation of the act. Suggestion made that if semiweekly service on such days as will divide the six working days for the week into equal periods will better serve complainant's needs that such service be inaugurated.

*Blue Diamond Co. v. Western P. R. Co., 151 I. C. C. 69.*

443. Rates on plaster and plaster products, in carloads, from Los Angeles, Calif., to destinations on the Southern Pacific in Oregon found not unreasonable but unduly prejudicial to the extent pointed out in the report. Undue prejudice ordered removed.

*Apples from Kansas and Missouri points, 151 I. C. C. 74.*

444. Proposed increased rates on apples, in carloads, from Kansas and Missouri points to Iowa, Minnesota, and South Dakota destinations found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

*Peaslee-Gaubert Co. v. Atlanta & W. P. R. Co., 151 I. C. C. 78.*

445. On reconsideration, former finding, 147 I. C. C. 20, that rate on linseed oil in carloads, from Minneapolis, Minn., to Atlanta, Ga., was not unreasonable, reversed. Reasonable rate prescribed for the future and reparation awarded.

*Chain iron and steel in official classification, 151 I. C. C. 83.*

446. Proposed increased rates on iron and steel rods, in carloads, between points in official classification territory found not justified. Reasonable basis of rates and commodity description prescribed for the future.

447. Rates on steel bars, in carloads, from Pittsburgh and Johnstown, Pa., Youngstown, Ohio, and Buffalo and North Tonawanda, N. Y., to Pawtucket and Valley Falls, R. I., found not unreasonable or otherwise unlawful. Complaints in Nos. 17804, 18024, and 18024 (Sub-No. 1) dismissed. Findings in original report, 126 I. C. C. 731, modified on further hearing.

448. Rates charged on rectangular and hexagonal steel rods, in carloads, from McDonald, Ohio, to Pittsburgh, Carnegie, and Economy, Pa., found inapplicable. Reparation awarded.

*U. S. War Department v. Abilene & S. Ry. Co., 151 I. C. C. 91.*

449. Upon further hearing, prior report 77 I. C. C. 317, bases of just, reasonable, and equitable divisions of joint rail-barge and rail-barge-rail class in commodity rates between points on the Baltimore & Ohio in central territory and lower Mississippi River ports, Mobile, Ala., and interior points in Arkansas, Louisiana, and Texas, prescribed.

*Auth Provision Co. v. Baltimore & O. R. Co., 151 I. C. C. 108.*

450. Rates on livestock, in carloads, from points in Virginia on the Southern, the Washington & Old Dominion, and Richmond, Fredericksburg & Potomac and from Charles Town, W. Va., Berryville, Va., and Hanover and Lancaster, Pa., to Benning, D. C., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*Gurney Heater Mfg. Co. v. Boston & A. R. Co., 151 I. C. C. 118.*

451. Rate on imported pig iron, in carloads, from East Boston, Mass., to Framingham, Mass., prior to July 1, 1926, found not unreasonable. Complaint dismissed.

*Auburn Automobile Co. v. Pennsylvania R. Co., 151 I. C. C. 120.*

452. Export rates on passenger automobiles and chassis, boxed, in carloads, from Auburn, Ind., to New Orleans, La., Gulfport, Miss., and Mobile, Ala., found not unreasonable or unjustly discriminatory, but unduly prejudicial. Undue prejudice ordered removed. Reparation denied.

*Inland Waterways Corporation v. Alabama G. S. R. Co., 151 I. C. C. 126.*

453. Through routes, maximum joint differential barge-and-rail rates applicable, thereover, and reasonable divisions of such rates prescribed on traffic between New Orleans, La., and Mobile, Ala., on the one hand, and points on the Southern Railway system in Georgia, Tennessee, Virginia, North Carolina, and South Carolina, on the other hand, moving over the Warrior River division of the Inland Waterways Corporation via Birmingham, Ala.

*Rates on powder and high explosives, 151 I. C. C. 155.*

454. Rates on powder and other high explosives, in carloads, from Curtiss, Ariz., to destinations in California, Nevada, Utah, Colorado, and New Mexico found unreasonable and unduly prejudicial. Reasonable basis of rates prescribed and undue prejudice ordered removed.

455. Failure of defendant Southern Pacific Company to participate in joint through rates on powder and other high explosives, in carloads, from Curtiss to destinations in the Republic of Mexico located on the lines of the Southern Pacific Railroad Company of Mexico, on the same level, distance considered, as the joint rates contemporaneously participated in by said defendant on the same commodities from producing points in California to the same destinations, found, in so far as the transportation takes place within the United States, unduly prejudicial to Curtiss and unduly preferential of California producing points. Undue prejudice ordered removed.

456. Rates and charges required by the Arizona Corporation Commission to be maintained on powder and high explosives, in carloads, from Curtiss, Ariz., to various destinations in Arizona not shown to subject persons and localities outside of the State to undue prejudice and disadvantage nor to result in unjust discrimination against interstate commerce. No. 16412 discontinued.

*Sengel Motor Co. v. Kansas C. S. Ry. Co.*, 151 I. C. C. 170.

457. Demurrage charges collected at Fort Smith, Ark., on certain carload shipments of passenger automobiles moving under order-notify bills of lading from Lansing, Mich., found applicable. Complaints dismissed.

*Liberty Cooperage & Lumber Co. v. Pennsylvania R. Co.*, 151 I. C. C. 175.

458. Rates applicable to old empty secondhand tight wooden barrels, in carloads from St. Louis, Mo., and from several points in Kentucky to various points in official classification territory found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

*McClain Sand Co. v. Monongahela Ry. Co.*, 151 I. C. C. 179.

459. Rates on sand and gravel, in carloads, from Morgantown, W. Va., to certain destinations in Pennsylvania found unreasonable. Reasonable rates prescribed for the future.

*Cumberland Cement & Supply Co. v. Baltimore & O. R. Co.*, 151 I. C. C. 183.

460. Rates on sand and crushed stone, in carloads, from Cumberland, Md., to interstate destinations west thereof in Maryland, Pennsylvania, and West Virginia found unreasonable. Reasonable rates prescribed.

*Shearman Concrete Pipe Co. v. Chicago, R. I. & P. Ry. Co.*, 151 I. C. C. 190.

461. Rate charged on a carload of sewer pipe from North Little Rock, Ark., to Kremlin, Okla., found inapplicable. Reparation awarded.

*Kilgore Seed Co. v. Seaboard A. L. Ry. Co.*, 151 I. C. C. 193.

462. Certain carload shipments of seed potatoes from Jacksonville, Fla., to Plant City, Fla., originating at points in Minnesota, Wisconsin, and Maine, found to have moved interstate from Jacksonville. Interstate charges assessed found applicable. Complaint dismissed.

*Ferer & Sons v. Belt Ry. Co.*, 151 I. C. C. 197.

463. Rates charged on old or used cotton batting, in machine-pressed bales, in straight carloads and in mixed carloads with rags, from Omaha, Nebr., to St. Louis, Mo., Detroit, Mich., and Denver, Colo., found inapplicable in certain instances. Applicable rates found unreasonable but not otherwise unlawful. Reasonable rates prescribed and reparation awarded.

*Okla. City Chamber of Commerce v. Arkansas V. I. Ry. Co.*, 151 I. C. C. 202.

464. Rates on common salt, in carloads, from points in Louisiana and Grand Saline, Tex., to points in Oklahoma found unreasonable. Reasonable rates prescribed and reparation awarded.

465. Rates on common salt, in carloads, from points in Kansas to points in Oklahoma found to have been unreasonable. Reparation awarded.

*Cyanamid and crude cyanide from Niagara Falls*, 151 I. C. C. 207.

466. Commission is without jurisdiction, in either a complaint or suspension proceeding, to consider the lawfulness of joint rates or proposed joint rates between points in the United States and points in Canada, except (a) for the purpose of ascertaining damages sustained in consequence of the breach, by the carriers subject to its jurisdiction, of their statutory duty to make and publish just and reasonable rates applicable to that part of the transportation within the United States, and except (b) that the commission may require the carriers subject to its jurisdiction to establish and maintain for the future just and reasonable rates applicable to that part of the transportation within the United States.

467. Orders of suspension vacated and proceeding discontinued.

*Wyeth Hardware & Mfg. Co. v. Alten & E. R. Co.*, 151 I. C. C. 213.

468. Prior report, 147 I. C. C. 617, corrected to find the assailed fifth-class rates applicable from points in Wisconsin, Illinois, Iowa, and Missouri, and from east-bank Mississippi River crossings, on iron and steel articles, in carloads, originating east of the Indiana-Illinois boundary, to St. Joseph, Mo., and Atchison, Kans., not unreasonable, but unduly prejudicial to those destinations, to the undue preference of intermediate destinations in Missouri which are accorded commodity rates lower than fifth class from certain of the points of origin. By corrected order, undue prejudice and preference required to be removed.



*Beaumont Export & Import Co. v. Louisiana W. R. Co.*, 151 I. C. C. 215.

469. Carload shipments of corn from points in Nebraska originally destined to New Orleans, La., for export and reconsigned to Orange, Tex., for export, found to have been misrouted by the Missouri Pacific. Collection of undercharges waived. Complaint dismissed.

*Newbauer & Co. v. Northwestern P. R. Co.*, 151 I. C. C. 221.

470. Rates charged on wrapping paper, in carloads, from Vancouver, Wash., to San Francisco, Santa Rosa, Sacramento, Modesto, and Fresno, Calif., found not unreasonable. Damage by reason of any undue prejudice that might have existed not proved. Complaint dismissed.

*Allen & Co. v. Atlantic C. L. R. Co.*, 151 I. C. C. 225.

471. Refrigeration charges collected on shipments of strawberries from points in North Carolina and South Carolina to various eastern destinations found applicable. Complaints dismissed. Former report, 136 I. C. C. 621, reversed.

*National Show Case Co. v. Seaboard A. L. Ry. Co.*, 151 I. C. C. 232.

472. Rates on store and office fixtures, in carloads, from Columbus, Ga., to Miami and Jacksonville, Fla., found not unreasonable.

473. Rates on store and office fixtures, in carloads, from Columbus, Ga., to Miami, Fla., prior to February 7, 1927, and to Jacksonville, Fla., prior to January 15, 1928, found unduly prejudicial but rates on like traffic after those dates found not unduly prejudicial. Reparation denied. Complaint dismissed.

*Fairfax Sand & Crushed Stone Co. v. Baltimore & O. R. Co.*, 151 I. C. C. 237.

474. Rates on sand and crushed stone, in carloads, from Pierce, W. Va., to points in West Virginia, Pennsylvania, and Maryland found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future.

*Pacific States Butter, Egg, Cheese & Poultry Asso. v. Southern P. Co.*, 151 I. C. C. 244.

475. Stated charges for standard refrigeration of carload shipments of butter, eggs, cheese, and dressed poultry from stations in California, Oregon, Washington, Idaho, Nevada, and Arizona to interstate destinations found unjust and unreasonable to the extent that they exceed the charges which would accrue under the cost-of-ice basis.

476. Rule 240 surcharges imposed on carload shipments of the commodities described, initially iced but not reiced in transit, from and to the points described found unjust and unreasonable in their entirety.

477. The amendment to rule 600 (b) of the perishable protective tariff, limiting the transportation of perishable freight under refrigeration at less-than-carload rates to shipments weighing less than the minimum weight for carload shipments, not shown to be unreasonable or otherwise unlawful.

478. The cost-of-ice basis found applicable on carload shipments of said commodities from stations in Montana to destinations in California, via Portland, Oreg., and to destinations in Oregon, Washington, and British Columbia. The cost-of-ice basis plus stated replenishing charges found applicable to such shipments moving to destinations in California via Ogden and Salt Lake City, Utah.

479. Reparation awarded in the amount of the difference between the charges collected and those which would have accrued for the amounts of ice and salt actually furnished under the cost-of-ice basis.

*Scharff-Koken Mfg. Co. v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 270.

480. Rates on strawboard, chipboard, and other paper boards, in carloads, from certain points in central territory to St. Louis, Mo., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Lewis Mfg. Co. v. Baltimore & O. R. Co.*, 151 I. C. C. 279.

481. Carload minimum on pitch carbon coke from Fairmont, W. Va., to Baltimore, Md., for export, found unreasonable. Reasonable minimum prescribed and reparation awarded.

*New York Architectural Terra Cotta Co. v. Central R. Co. of N. J.*, 151 I. C. C. 281.

482. Carload rate charged on building terra cotta from Long Island City and Brooklyn, N. Y., to Reading, Pa., found unreasonable. Reasonable rate for the future prescribed and reparation awarded.

*Amisden v. Temiskaming & N. O. Ry.*, 151 I. C. C. 283.

483. Rates charged on carload shipments of pulp wood from Nellie Lake, Niddville, and Devonshire, Ontario, Canada, to Lockport, N. Y., not shown to have been in violation of section 4. Complaint dismissed.

*Perrine-Armstrong Co. v. Pennsylvania R. Co.*, 151 I. C. C. 285.

484. Rates charged on logs, in carloads, from Gambler and Smithville, Ohio, to Fort Wayne, Ind., found applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

*Hammond Motor Co. v. Alabama G. S. R. Co.*, 151 I. C. C. 288.

485. Demurrage and storage charges collected at Birmingham, Ala., on various interstate carload shipments of automobiles not shown to have been inapplicable. Complaints dismissed.

*Switching at St. Paul and Minneapolis*, 151 I. C. C. 291.

486. Proposed switching charges on traffic between industries and docks of the Mississippi-Warrior Service, Federal Barge Line, at St. Paul and Minneapolis, Minn., found not justified. Suspended schedules ordered canceled and proceedings discontinued.

*Marx & Sons v. Louisiana Ry. & N. Co.*, 151 I. C. C. 298.

487. Sixth-class rate on pig lead, in carloads, from Baton Rouge, La., to Atlanta, Ga., found applicable but unreasonable. Reasonable rate prescribed and reparation awarded.

*Ajax Metal Co. v. Baltimore & O. R. Co.*, 151 I. C. C. 301.

488. Carload rates on copper, brass, and bronze ingots, pigs, slabs, bars, cakes, scrap, borings, turnings, ashes, skimmings, sweepings, and washing, from specified points of origin in New Jersey, Pennsylvania, and New York to specified interstate destinations in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, New Jersey, West Virginia, and Virginia found not unreasonable as applied to shipments in the past, but unreasonable for the future. Carriers directed to establish reasonable rates.

*Northwest Paper Co. v. Chicago, M. & St. P. Ry. Co.*, 151 I. C. C. 306.

489. Upon reconsideration, former findings in 139 I. C. C. 682, that the rate on rosin size, in carloads, from North Milwaukee, Wis., to Cloquet, Minn., was unreasonable, affirmed. Reparation awarded.

*Knoxville Freight Bureau v. Southern Ry. Co.*, 151 I. C. C. 309.

490. Rates on cornstarch, in carloads, from Chicago, Ill., to Knoxville, Tenn., found not unreasonable but unduly prejudicial. Nonprejudicial rates prescribed.

491. Fourth-section applications consolidated with fourth-section application No. 1625 for report.

*Albany Perforated Wrapping Paper Co. v. Atlantic C. L. R. Co.*, 151 I. C. C. 313.

492. Third-class rate on toilet paper and paper towels, in less than carloads, from Albany, N. Y., to Lynchburg, Va., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Hardaway Contracting Co. v. Atlantic C. L. R. Co.*, 151 I. C. C. 315.

493. Rates on secondhand rails and railway-track material, in mixed carloads, from Albany, Ga., to Norfleet, Fla., found unreasonable. Reparation awarded.

*Hope Fertilizer Co. v. Arkansas W. Ry. Co.*, 151 I. C. C. 318.

494. Rates on fertilizers and fertilizer compounds, manufactured, in straight or mixed carloads, from Hope, Ark., to destinations in Oklahoma found unreasonable, unduly prejudicial, and in violation of the fourth section of the interstate commerce act. Reparation awarded.

*Bedding Cars for Livestock*, 151 I. C. C. 323.

495. Proposed rules, regulations, and charges governing the bedding of cars used for the transportation of livestock in the Southwest found not justified. Suspended schedules ordered canceled and proceeding discontinued.



*Brown & Co. v. Erie R. Co.*, 151 I. C. C. 327.

496. Former report, 109 I. C. C. 109, finding charges assessed on hay, in carloads, inspected at Cincinnati, Ohio, and reforwarded to interstate destinations, applicable and not unreasonable, affirmed. Complaint dismissed.

*Little Rock Chamber of Commerce v. Alabama G. S. R. Co.*, 151 I. C. C. 331.

497. All-rail domestic import, and coastwise rates on fertilizer and fertilizer materials, in carloads, from New Orleans, La., subports in the New Orleans district, Gulfport, Miss., and Mobile, Ala., to points in Arkansas, and the rates on fertilizer products (commercial fertilizer), in carloads, from Little Rock, Ark., to points in Arkansas, Louisiana, Oklahoma, Missouri, and Mississippi found not unreasonable or otherwise unlawful, except in their relationship to Louisiana intrastate rates as noted below in the third headnote.

498. All-rail domestic, import, and coastwise rates in the same commodities, in carloads, from New Orleans, subports, and producing points in the New Orleans district, Gulfport, and Mobile to Marshall, Longview, Henderson, Palestine, Pittsburg, and Sulphur Springs, Tex., found not unreasonable or otherwise unlawful, except the domestic rates from New Orleans and producing points taking the same rates to Longview, Henderson, Palestine, Pittsburg, and Sulphur Springs found unduly prejudicial. No order for the future required.

499. Undue prejudice found to exist against persons and localities in interstate commerce and unjust discrimination against interstate commerce by reason of the intrastate rates between points in Louisiana west of the Mississippi River and from New Orleans and points in the New Orleans district in Louisiana east of the Mississippi River to points in Louisiana west of the Mississippi River on commercial fertilizer and acid phosphate, except "pile-run" acid phosphate. Entry of an order held in abeyance.

*Imperial Pipe & Threading Co. v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 353.

500. Rates on wrought-iron pipe, in carloads, from various points in Oklahoma to various points in Texas found unreasonable in those instances in which they exceed certain percentages of the southwestern distance scale of first-class rates prescribed in the recent Southwestern revision. Reparation awarded.

*Detroit Chemical Works v. Baltimore & O. R. Co.*, 151 I. C. C. 359.

501. Rates on crude sulphur, in carloads, from New York, N. Y., and Baltimore, Md., to Detroit, Mich., found not unreasonable. Complaint dismissed.

*Stickell & Sons v. Pennsylvania R. Co.*, 151 I. C. C. 364.

502. The assessment and collection of switching charges at Hagerstown, Md., on certain through shipments of grain stopped there under a transit arrangement and switched to off-line mills, found to have resulted in overcharges. Reparation awarded.

*Farmers Elevator Co. v. Chicago, I. & L. Ry. Co.*, 151 I. C. C. 367.

503. Rate on grain from Monticello, Guernsey, and Yoeman, Ind., to Chicago, Ill., found not unreasonable, but unduly prejudicial as applied on grain re-shipped by lake or lake-and-rail lines. Undue prejudice ordered removed and reparation denied.

*Commerce Petroleum Co. v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 370.

504. Rates on crude, fuel, and gas oils, in carloads, from points in Kansas, Oklahoma, Arkansas, Louisiana, and Texas to Northfield, Ill., found not unreasonable, but unduly prejudicial to the extent that it exceeds by more than 1.5 cents the contemporaneous corresponding rates to Weber, Ill. Non-prejudicial rates prescribed. Reparation denied for want of proof of damage.

*Shafton & Co. v. Atlantic C. L. R. Co.*, 151 I. C. C. 373.

505. Rate charged on carload of grapefruit from Lake Hamilton, Fla., to Stevens, Point, Wis., found reasonable. Reparation awarded.

*Peterson Biddick Co. v. Chicago, B. & Q. R. Co.*, 151 I. C. C. 376.

506. Rates on live poultry, in carloads, from Wadena, Crookston, Thief River Falls, Strathcona, and Roseau, Minn., to Minnesota Transfer, Minn., destined to Chicago, Ill., found applicable. Complaint dismissed.



*Twin City Forge & Foundry Co. v. Duluth, S. S. & A. Ry. Co.*, 151 I. C. C. 379.

507. Rate charged on a carload of lump iron ore from Republic, Mich., to Stillwater, Minn., found unreasonable. Reparation awarded.

*Petroleum to Louisville*, 151 I. C. C. 381.

508. Proposed increased rates on petroleum and petroleum products, in carloads, from Colorado, Tex., to Louisville, Ky., made 2.5 cents per 100 pounds higher than those applicable from Ranger, Tex., to the same destination, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Plaster Board to Points in Southern Territory*, 151 I. C. C. 385.

509. Proposed additions to tariff provisions governing rates on plaster board, in mixed carloads with wall plaster, from and to points in southern territory, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Dutton Lumber Corp. v. New York, N. H. & H. R. Co.*, 151 I. C. C. 391.

510. Rates on lumber, in carloads, ex-vessel, from Providence, R I., and Poughkeepsie, N. Y., to interstate destinations on the lines of the New York, New Haven & Hartford system in Massachusetts, Connecticut, Rhode Island, and New York, found unreasonable, but not unduly prejudicial. Reasonable scale of distance rates prescribed for the future. Reparation awarded.

*Sales Co. v. Fort W. & D. C. Ry. Co.*, 151 I. C. C. 420.

511. Rates on canned fruits, vegetables, and sirup, in carloads, from Altus, Okla., to certain destinations in Texas found unreasonable. Reparation awarded.

*E-Z Opener Bag Co. v. Nashville C. & St. L. Ry.*, 151 I. C. C. 423.

512. Rate charged on three carloads of lime from Burns, Tenn., to Braithwaite, La., found inapplicable. Reparation awarded.

*Gateway Hay Co. v. Union P. R. Co.*, 151 I. C. C. 425.

513. Inspection charges on hay, in carloads, shipped from interstate points to Kansas City, Mo., there inspected and reshipped to points beyond, found inapplicable. Reparation awarded.

*Kilmer v. Atchison, T. & S. F. Ry. Co.* 151 I. C. C. 429.

514. Rates charged on gasoline and kerosene, in tank-car loads, from Augusta, Kans., Baynton, Bristow, and Ponca City, Okla., to Winnebago, Nebr., found not unreasonable. Complaint dismissed.

*S. Dak. Board of Railroad Commissioners v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 431.

515. Rates on corn and other coarse grains from points in Iowa to destinations in Colorado found unreasonable.

516. Rates on corn and other coarse grains from points in South Dakota to destinations in Colorado, Utah, California, and other western States, found unreasonable and unduly prejudicial.

517. Reasonable and nonprejudicial rates prescribed.

*Ohio Public Utilities Commission v. Pennsylvania R. Co.*, 151 I. C. C. 448.

518. The safety of employees and travelers upon railroads requires that steam locomotives, except locomotives using oil fuel, have a mechanically operated fire door, so constructed and maintained that it may be operated by pressure of the foot on a pedal, or other suitable appliance, located on the floor of cab or tender at a suitable distance from the fire door, so that it may be conveniently operated by the person firing the locomotive. Appropriate rules approved and established.

*Milling and Mixing of Grain and Grain Products*, 151 I. C. C. 469.

519. Proposed cancellation of a transit rule authorizing the application of by-product rates on grain and grain products originating at points in Iowa, Missouri, and Illinois, transited at Chicago, Peoria, and Pekin district stop-over points in Illinois and the product shipped thence to central territory found justified. Order of suspension vacated and proceeding discontinued.

*Texas Cement Plaster Co. v. Kansas C., M. & O. Ry. Co.*, 151 I. C. C. 474.

520. Carload rate on sawdust from St. Louis, Mo., to Plasterco, Tex., found not unreasonable in the past, but unreasonable for the future. Reasonable rate prescribed for the future.

*Bakelite Corp. v. Pennsylvania R. Co.*, 151 I. C. C. 477.

521. Rate on crude cresylic acid, in carloads, from Philadelphia, Pa., to Perth Amboy, N. J., found not unreasonable. Lower rate subsequently established found reasonable for future. Complaint dismissed.

*Automatic Gravel Products Co. v. Burlington, M. & N. W. Ry. Co.*, 151 I. C. C. 481.

522. Absorptions by the Chicago, Rock Island & Pacific and Chicago, Milwaukee, St. Paul & Pacific of switching charges of the Burlington, Muscatine & Northwestern at Muscatine, Iowa, not shown to result in undue prejudice.

523. Rates of the Burlington, Muscatine & Northwestern for switching in connection with road-haul movements of interstate traffic found unreasonable, and a reasonable rate prescribed for the future.

*Green-Boots Construction Co. v. Missouri P. R. Co.*, 151 I. C. C. 494.

524. Rates on hay, in carloads, from Rose and Yates Center, Kans., to Riverside Spur and Oklahoma City, Okla., found unreasonable. Reparation awarded.

*Johns v. Lehigh V. R. Co.*, 151 I. C. C. 497.

525. Rates charged on a carload of fresh grapes from Gilroy, Calif., to New Haven, Conn., found inapplicable. Refunds of overcharge directed, and complaint dismissed.

*U. S. Bedding Co. v. St. Louis-S. F. Ry. Co.*, 151 I. C. C. 499.

526. Any-quantity rates on uncompressed cotton from Holly Springs and New Albany, Miss., to Kansas City, Mo., found to have been unreasonable, but not unduly prejudicial. Reparation awarded.

*McHenry-Millhouse Mfg. Co. v. New York, O. & W. Ry. Co.*, 151 I. C. C. 501.

527. Rate on asphalt shingles and prepared roofing, in carloads, from Fulton, N. Y., to Williamsport, Pa., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Kieckhefer Container Co. v. Pennsylvania R. Co.*, 151 I. C. C. 503.

528. Sixth-class rates applicable to imported wood pulp, in carloads, from Boston, Mass., and from Baltimore, Md., to Fish House, N. J., found not unreasonable. Complaint dismissed.

*Alabama Portland Cement Co. v. Louisville & N. R. Co.*, 151 I. C. C. 507.

529. Rate on cement, in carloads, from North Birmingham, Ala., to Mobile, Ala., for transshipment by water to destinations in Florida, found not unreasonable. Complaint dismissed.

*Carey-Reed Co. v. Pennsylvania R. Co.*, 151 I. C. C. 509.

530. Rate charged on cement, in carloads, from Speeds, Ind., to Mayfield, Ky., and McKenzie, Tenn., found not unreasonable. Complaint dismissed.

*Barrett Co. v. Pennsylvania R. Co.*, 151 I. C. C. 511.

531. Rate charged on coal tar, in carloads, from Sparrows Point, Md., to Undercliff, N. J., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Leach v. Oregon-W. R. & N. Co.*, 151 I. C. C. 513.

532. Charges collected on a single-deck carload of goats from Seattle, Wash., to Fairbury, Nebr., found unreasonable. Reparation awarded.

*Swift & Co. v. Chicago, M. & St. P. Ry. Co.*, 151 I. C. C. 516.

533. Rates on packing-house products, in carloads, from South St. Paul, Minn., and Sioux Falls, S. Dak., to Fargo and Grand Forks, N. Dak., found not unreasonable.

534. Rates on fresh meat, in carloads, from South St. Paul, Minn., and Sioux Falls, S. Dak., to the destinations named found unreasonable. Reasonable rates prescribed and reparation awarded.

*Marx & Sons, v. Yazoo & M. V. R. Co.*, 151 I. C. C. 525.

535. Sixth-class rate on pig lead, in carloads, from North Baton Rouge, La., to Atlanta, Ga., found applicable but unreasonable. Reasonable rate prescribed and reparation awarded. Waiver of outstanding undercharges in excess of the rate found reasonable authorized.

*Wilson v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 527.

536. Rate in one carload of secondhand wrought-iron pipe from Cushing, Okla., to Alamogordo, Kans., found inapplicable. Applicable rate found unreasonable. Reparation awarded.

*Lone Star Gas Co. v. Buffalo, R. & P. Ry. Co.*, 151 I. C. C. 529.

537. Rate charged on one carload of wrought-iron pipe couplings from Bradford, Pa., to Shamrock, Tex., found inapplicable. Applicable rate and reconsignment charge collected found unreasonable. Reparation awarded.

*Franklin Co. v. Chicago, B. & Q. R. Co.*, 151 I. C. C. 532.

538. Charges collected and minimum weight provided in connection with rate on three carloads of common chairs from Thomasville, N. C., to Minneapolis, Minn., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Pecos Valley Lumber Co. v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 535.

539. Rate on liquid asphalt, in drums, in carloads, from Destrehan, La., to Roswell, N. Mex., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Southern Glass Co. v. Galveston, H. & S. A. Ry. Co.*, 151 I. C. C. 538.

540. Rates on tank blocks, in carloads, from St. Louis and Vandalia, Mo., Elwood, Ind., and Steubenville, Ohio, to Los Angeles and other destinations in southern California found unreasonable. Reparation awarded and reasonable rates prescribed for the future. Findings in original report, 146 I. C. C. 504, reversed on reconsideration.

*Smith v. Illinois C. R. Co.*, 151 I. C. C. 541.

541. Rate charged on one carload of pine lumber from Red Bay, Ala., to Ridgely, Tenn., found inapplicable. Reparation awarded.

*Coal and coke from western Ky., Ala., and Tenn.*, 151 I. C. C. 543.

542. Upon further hearing applicant carriers authorized to continue temporarily rates on coal, in carloads, from mines on the Louisville & Nashville in western Kentucky to certain points in Mississippi and Tennessee lower than to intermediate points. Original report, 129 I. C. C. 197. Fourth-section applications relating to rates on coal, in carloads, from mines in Kentucky, Illinois, Alabama, and Tennessee to points in Mississippi Valley assigned for further hearing.

543. Further action on fourth-section application No. 12645 for authority to establish and maintain rates on coal, in carloads, from mines on the Louisville & Nashville in western Kentucky to Helena and West Helena, Ark., lower than to intermediate points in Arkansas deferred pending further hearing.

*Transportation of strawberries by express*, 151 I. C. C. 553.

544. Present freight service for the transportation of strawberries from Florida, North Carolina, and Alabama to points in official classification territory and dewberries from North Carolina and South Carolina to the same destinations found inadequate. Carriers directed to arrange for the establishment of express refrigerator carload service.

*Hohenberg & Co. v. Atlanta & W. P. R. Co.*, 151 I. C. C. 574.

545. Upon reconsideration, interstate rates based on joint-line distance scale on cotton, in bales, over certain lines in Alabama and Georgia under common management and control, found unreasonable. Single-line rates prescribed and reparation awarded. Finding in 140 I. C. C. 530 reversed.

*Application of United States Steel Products Co.*, 151 I. C. C. 577.

546. On further hearing order of February 13, 1923, modified so as to permit the continued operation through the Panama Canal of the Isthmian Steamship Lines by the United States Steel Products Company and/or by the Isthmian Steamship Company, an affiliated corporation of the United States Steel Products Company. Former reports 57 I. C. C. 513, 77 I. C. C. 685.



*Buller Bros. v. Aberdeen & R. R. Co.*, 151 I. C. C. 579.

547. Rates on cotton piece goods and knitting-factory products, any quantity, from producing points in the Southeast and Louisiana to certain destinations in Texas common-point territory found not unreasonable except where and to the extent that they exceeded the combinations on Shreveport, La. Reparation awarded.

*Roberts Construction Co. v. Chicago, B. & Q. R. Co.*, 151 I. C. C. 587.

548. Rates on certain shipments of paving brick, in carloads, from Buffalo, Kans., to Fairbury and Hebron, Nebr., found not to have been unreasonable, but rate on certain other shipments of the same commodity from Buffalo to Hebron found to have been unreasonable. Reparation awarded in latter shipments.

*Northwestern Fruit Exch. v. Great N. R. Co.*, 151 I. C. C. 591.

549. Rate on boxed apples, in carloads, from points in Washington to Milwaukee, Wis., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Blue Ridge Talc Co. v. Cincinnati, N. O. & T. P. Ry. Co.*, 151 I. C. C. 593.

550. Upon reconsideration, finding in former report herein, 147 I. C. C. 507, that rates on ground iron ore and on dry mortar colors in less than carloads, from Henry, Va., to Lexington, Ky., were not unreasonable but unduly prejudicial, modified. Previous order vacated and complaint dismissed.

*Caldwell & Taylor v. Reading Co.*, 151 I. C. C. 595.

551. Rate on benzol, in tank-car loads, from Solvay, N. Y., to Ivorydale, Ohio, found not unreasonable.

552. Rate on benzol, in tank-car loads, from Bethlehem, Pa., to Ivorydale, Ohio, found unreasonable. Reparation awarded.

*West Va. Brick Co. v. Baltimore & O. R. Co.*, 151 I. C. C. 599.

553. Carload rate on fire brick from Oak Hill, Ohio, to Barlow, W. Va., found unreasonable. Reparation awarded.

*Rates on fertilizer materials*, 151 I. C. C. 602.

554. The maintenance of intrastate rates on fertilizer materials in the State of Florida lower than the interstate basis found not unduly prejudicial to interstate shippers or localities or unjustly discriminatory against interstate commerce.

*Curtis Leather Co. v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 610.

555. Rate charged on green-salted cattle hides, in carloads, from St. Louis, Mo., to Ludlow, Pa., found applicable.

556. Rates charged on green-salted cattle hides, in carloads, from National Stock Yards, Ill., Kansas City and St. Joseph, Mo., Omaha, and South Omaha, Nebr., Wichita, Kans., and Sioux City and Ottumwa, Iowa, to Ludlow, Pa., found inapplicable. Reparation awarded.

*Fertilizer and materials*, 151 I. C. C. 613.

557. Proposed revision of rates on fertilizer and fertilizer materials, including cottonseed cake, meal, and hulls, in straight or mixed carloads, between points in Mississippi Valley territory, a few points in southeastern territory, and Gulf ports on the one hand and points north of the Ohio River on the other hand, found not justified except to the extent indicated herein. Suspended schedules ordered canceled without prejudice to the filing of new schedules in accordance with the basis approved in the report.

*Baker-Hanna-Blake Co. v. Aberdeen & R. R. Co.*, 151 I. C. C. 626.

558. Rates on cotton piece goods, any quantity, from producing points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, and Louisiana to Oklahoma City, Okla., found not unreasonable.

559. Rates on the same commodity, any quantity, from producing points in Texas to Oklahoma City, Okla., found unreasonable. Reparation awarded.

*La. Farm Bureau Federation v. Louisiana Ry. & N. Co.*, 151 I. C. C. 631.

560. Upon reconsideration, findings in former report, 146 I. C. C. 8, modified in part.

*El Dorado Chamber of Commerce v. Arkansas R.*, 151 I. C. C. 633.

561. Rates on potatoes, in carloads, from group territory in Colorado, Nebraska, Wyoming, and New Mexico to certain destinations in southern Arkansas found unreasonable. Reparation awarded.

*Bourgoin & Co. v. Chicago, B. & Q. R. Co.*, 151 I. C. C. 637.

562. Carload rates on rough granite from Middlebrook and Lopez, Mo., to Elmwood, Ill., found unreasonable but not otherwise unlawful. Reasonable rate prescribed. Reparation awarded.

*Citizens' Truck Co. v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 639.

563. Rate charged on one carload of iron awning arms, from Topeka, Kans., to Los Angeles, Calif., found unreasonable. Reparation awarded.

*U. S. Gypsum Co. v. Staten I. R. T. Ry. Co.*, 151 I. C. C. 641.

564. Rate charged on one carload of dental plaster from New Brighton, N. Y., to Memphis, Tenn., found applicable but unreasonable. Reasonable rate for future prescribed and reparation awarded.

*Karr v. Louisville & N. R. Co.*, 151 I. C. C. 644.

565. Rates charged for the transportation of dredge-boat parts, in carloads and double-car loads, from Crockett, Tenn., to Moorman, Ky., and thence to a dredge switch 1 mile beyond Moorman, found inapplicable. Shipments found undercharged. Charges for loading service found not in issue. Complaint dismissed.

*Fisher Body Corp. v. Mississippian Ry.*, 151 I. C. C. 647.

566. Rates on hardwood logs, in carloads, from White Springs and Smithville, Miss., to Memphis, Tenn., found not unreasonable. Complaint dismissed.

*Refrigeration charges on fruits, vegetables, berries, and melons*, 151 I. C. C. 649.

567. Present refrigeration charges on fruits, vegetables, berries, and melons from points in Florida, Georgia, South Carolina, North Carolina, and Virginia to destinations in trunk-line and New England territories found unreasonable after detailed investigation of the cost of the service to which they apply. Maximum reasonable charges prescribed for the future.

568. Refrigeration charges on peaches from points in Georgia, North Carolina, and South Carolina to destinations in official and southern territories and to certain destinations in western territory not shown by record in separate complaint cases to have been or to be unreasonable.

*Flynn, Welch & Yates v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 698.

569. Rate on wrought-iron pipe, in carloads, from Eldorado, De Graff, Winfield, Florence, and Hamilton, Kans., to Artesia, N. Mex., found not unreasonable in the past but unreasonable for the future except from Hamilton. Reasonable rates prescribed.

570. Rate on wrought-iron pipe in carloads, from Kingham, Kans., to Artesia, N. Mex., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*Okla. Traffic Asso. v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 703.

571. Carload rate on pig lead from Kansas City, Mo., to Oklahoma City, Okla., found unreasonable and in violation of the long-and-short-haul provision of the fourth section. Reasonable rate prescribed for the future and reparation awarded.

*Speir & Co. v. Atlanta & W. P. R. Co.*, 151 I. C. C. 705.

572. On further hearing, finding in original report herein, 128 I. C. C. 559, that the rates charged on interstate shipments billed as cottonseed-hull fiber or shavings, from points in Georgia, North Carolina, and South Carolina to destinations in Kentucky, Ohio, and other States and the District of Columbia, were inapplicable affirmed and reparation awarded.

573. Rates charged on similar interstate shipments from points in North Carolina, South Carolina, Georgia, Mississippi, Arkansas, Alabama, Tennessee, Louisiana, Oklahoma, and Texas to destinations in Florida, Missouri, Connecticut, and 14 other States found inapplicable. Reparation awarded.

*Ill. Steel Bridge Co. v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 713.

574. Finding in former report herein, 140 I. C. C. 107, that the rate charged on one carload of structural steel from Indiana Harbor, Ind., to Blythe, Calif., was unreasonable, modified upon reconsideration. Complaint dismissed. Original report in 129 I. C. C. 87.

*Butler Mfg. Co. v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 715.

575. Rate charged on steel tanks, knocked down, from Santa Ana, Calif., to Farmington, N. Mex., found unreasonable. Reparation awarded.

*Oswego v. Baltimore & O. R. Co.*, 151 I. C. C. 717.

576. Undue prejudice to and undue preference of localities with respect to rates on shipments in bond from a foreign country through the United States to another foreign country maintained by carriers subject to the interstate commerce act for such portion of the transportation as is performed within the United States is unlawful under section 3 of that act.

577. Upon further argument, former report 146 I. C. C. 293, finding ex-lake rates on grain and grain products from Oswego, N. Y., to New York, N. Y., maintained by defendants New York Central and Delaware Lackawanna & Western unduly prejudicial and preferential in relation to rates on the same commodities from Buffalo, N. Y., to New York affirmed.

*Stevens & Thompson Paper Co. v. Boston & M. R.* 151 I. C. C. 725.

With respect to ratings and rates on unprinted oatmeal and ingrain wall paper, in rolls weighing each 100 pounds or more, from North Hoosick and Walloomsac, N. Y., to certain destinations in Illinois, Ohio, Pennsylvania, New Jersey, New York, and Canada, found that:

578. On carload and less-than-carload shipments, respectively, the fifth-class and second-class rates are applicable.

579. On less-than-carload shipments the second-class rating and rates are unreasonable to the extent they exceed third class.

580. On carload shipments of oatmeal paper, not colored or tinted, the fifth-class rating and rates are unreasonable to the extent they exceed sixth class.

581. On carload shipments of oatmeal paper, colored or tinted, and of ingrain paper, the fifth-class rating and rates are not unreasonable.

582. Rates complained of, in comparison with rates on the same commodities from other producing points, are not unduly prejudicial or preferential, and in comparison with rates on unfinished wall paper are unduly prejudicial only to the extent that they are unreasonable. Finding in *Becker, Smith & Page v. B. & M. R. R.*, 98 I. C. C. 337, that undue prejudice and preference results from the maintenance of higher rates on oatmeal and ingrain wall paper than on unfinished wall paper, overruled.

*Railway Mail Pay*, 151 I. C. C. 734.

583. Upon reexamination, rates of pay for the transportation of mail matter by the Denver & Salt Lake Railway found to be not fair and reasonable. Reasonable rates prescribed for service on and after August 1, 1927.

584. Upon reexamination, rates of pay for the transportation of mail matter by certain short lines in intermountain and Pacific coast territory found to be fair and reasonable.

585. Upon further hearing and reconsideration, findings in *Railway Mail Pay*, 120 I. C. C. 439, in which the rates of pay for the transportation of mail matter by certain other short lines in intermountain and Pacific coast territory were found unreasonable and rates for others were found not unreasonable, affirmed.

586. Request of the Post Office Department for the establishment of rates for additional units of space graded in steps of 3 feet, granted. Rates for such units established for the future.

587. The rule with respect to authorization of larger units of space when smaller regularly authorized units are exceeded on 50 per cent or more of the trips in any calendar month, and the rule for computing miles of service of storage cars and lesser units, modified. Former reports, 56 I. C. C. 1, 95 I. C. C. 493, and 120 I. C. C. 439.

*Wilbur Lumber Co. v. Director General*, 151 I. C. C. 759.

588. Upon further hearing reparation order of February 8, 1926, entered against the director general, as agent, following 73 I. C. C. 152, found to be erroneous in certain particulars. The parties directed to submit amended Rule V statements.



*Commodity rates on lumber and other forest products, 151 I. C. C. 763.*

589. Transcontinental carriers and their connecting lines granted authority, subject to the limitations described in the report, to establish or continue rates on lumber and other forest products over indirect or circuitous routes from south Pacific coast territory to points in central territory lower than to intermediate points.

*Mansfield Co. v. Chicago & N. W. Ry. Co., 151 I. C. C. 774.*

590. On further consideration, findings in 139 I. C. C. 249 as modified by 142 I. C. C. 678, that the rates charged on carload shipments of evaporated milk in cans, from Johnson Creek, Wis., to various destinations in eastern trunkline and New England territories were applicable and not unreasonable or unduly prejudicial, but were in violation of the fourth section of the interstate commerce act and that complainant had not proved damage as a result of said violation, affirmed. Complaint dismissed.

*National Asso. of Printing Ink Makers v. Atchison, T. & S. F. Ry. Co., 151 I. C. C. 777.*

591. Less-than-carload ratings in the official and western classifications on printing ink, in bulk in kits, pails, or barrels, found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

*Julian Petroleum Corp. v. Atchison, T. & S. F. Ry. Co., 151 I. C. C. 780.*

592. Rates on wrought-iron pipe, in carloads, from McKeesport, Pa., and South Lorain, Ohio, to Norwalk, Calif., diverted in transit to Moneta, Calif., and the practice of charging for that service found not unreasonable. Complaint dismissed.

*East Rochester Asso. v. Baltimore & O. R. Co., 151 I. C. C. 783.*

593. Rates on bituminous coal, in carloads, from the Reynoldsville, Pittsburgh, and Connellsville districts in Pennsylvania, West Virginia, and Ohio to East Rochester, N. Y., found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed. Original findings, 146 I. C. C. 357, modified.

*Muller & Co. v. Pere M. Ry. Co., 151 I. C. C. 787.*

594. Rate of 44 cents per 100 pounds on chicory, in carloads, from Port Huron, Mich., to New York, N. Y., found unreasonable to the extent that it exceeds 29 cents. This rate prescribed for the future as the lowest possible rate compatible with the maintenance of adequate transportation service and necessary to promote the freedom of movement of the specified product of agriculture now affected by depression. Increase in the carload minimum from 30,000 pounds to 40,000 pounds authorized. Reparation denied.

*Magnolia Petroleum Co. v. Chicago, R. I. & G. Ry. Co., 151 I. C. C. 795.*

595. Upon further consideration, former report, 136 I. C. C. 367, finding that the rate on iron and steel tanks, knocked down, in carloads, from Navarro, Tex., to Gladney, Okla., was unreasonable, modified. Reparation awarded.

*Magnolia Petroleum Co. v. Atchison, T. & S. F. Ry. Co., 151 I. C. C. 799.*

596. Finding in former report, 136 I. C. C. 459, that the fifth-class rates on iron and steel tanks, knocked down, in carloads, from Wewoka, Cement, and Gladney, Okla., to various destinations in Arkansas and Louisiana were unreasonable, modified in part. Reparation awarded.

*Columbus Packing Co. v. Chicago, B. & Q. R. Co., 152 I. C. C. 1.*

597. Carload rate on hogs, in double-deck cars, and on cattle from Missouri River cities and National Stock Yards, Ill., to Columbus, Ohio, not found inappropriate or unreasonable. Complaint dismissed.

*S. C. Produce Asso. v. Aberdeen & R. R. Co., 152 I. C. C. 5.*

598. Upon further hearing in Nos. 14092, 14092 (Sub-No. 1), and 14597, findings in previous reports, 96 I. C. C. 107 and 107 I. C. C. 613, affirmed, with certain modifications.

599. Rates on vegetables not otherwise specified, including peas and beans, in certain packages, from North Carolina producing points to destinations in eastern trunk-line and New England territories found unreasonable. Reasonable and nonprejudicial bases of rates prescribed.

600. Reparation sought in Nos. 17383 (Sub-Nos. 3, 4, and 7) and 17631 denied. Reparation awarded to Atlantic Coast Distributors, intervener, in No. 14092 and Sub-No. 1 and to complainants in Nos. 14597, 18283, and 18233 (Sub-No. 1).

601. Complainants in Nos. 17383, 17383 (Sub-Nos. 1, 2, 5, 6, and 8), and 18320 dismissed.

602. Complaints in No. 17383 (Sub-Nos. 3, 4, and 7), to the extent they involve refrigeration charges on vegetables from North Carolina, dismissed.

*Grain and grain products from Duluth*, 152 I. C. C. 37.

603. Proposed rates on wheat and corn and articles taking the same rates from Duluth, Minn., and related points, and Ashland, Wis., to destinations in Michigan on the Duluth, South Shore & Atlantic Railway found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Waste Material Dealers Asso. v. Chicago, R. I. & P. Ry. Co.*, 152 I. C. C. 41.

604. Present rates on scrap iron and steel, in carloads, applicable to interstate shipments between points in Arkansas, and from points in Arkansas, to Memphis, Tenn., St. Louis, Mo., Chicago, and Alton, Ill., and points taking the same rates or rates basing thereon, subject to a carload minimum weight of 50,000 pounds, found not unreasonable, but reasonable alternative rates for the future found to be rates which, subject to a 70 000-pound minimum, do not exceed 13.5 per cent of the corresponding first-class (column 100) rates prescribed in *Consolidated Southwestern Cases*, 123, I. C. C. 203, for application from and to the same points. Reasonable alternative rates prescribed and reparation denied.

*U. S. Graphite Co. v. Baltimore & O. R. Co.*, 152 I. C. C. 45.

605. Rate on rough soapstone, in carloads, from Marriottsville, Md., to Saginaw, Mich., found not unreasonable, unjustly discriminatory, nor unduly preferential. Complaint dismissed.

*Iowa Soap Co. v. Chicago, B. & Q. R. Co.*, 152 I. C. C. 47.

606. Upon further consideration, original findings and order respecting the rates on soap and related articles, in carloads, from Burlington, Iowa, modified in certain respects. Former report 144 I. C. C. 158.

*Schimmel v. Mallory S. S. Co.*, 152 I. C. C. 51.

607. Port-to-port factors of combination rates charged on cottonseed-hull fiber or shavings, in carloads, over rail-water-and-rail, rail-and-water, and water-and-rail routes from points in Texas to destinations in Pennsylvania. New Jersey, New York, and Massachusetts, found applicable and not unreasonable. Complaint dismissed.

*Phoenix Construction Co. v. Beaumont, S. L. & W. Ry. Co.*, 152 I. C. C. 54.

608. Rates charged on commodities noted in the report between various points in Texas and various points in Arkansas and Louisiana found unreasonable to the extent there indicated. Reparation awarded.

609. The basis for future rates on the class traffic under consideration has been prescribed in *Consolidated Southwestern Cases*, 123 I. C. C. 203.

*Richmond County Coal Merchants Asso. v. Baltimore & O. R. Co.*, 152 I. C. C. 61.

610. Upon further hearing, reparation awarded on shipments of anthracite coal, in carloads, from Pennsylvania mine regions to Staten Island, N. Y., in accordance with previous findings in 101 I. C. C. 154.

*Milne Lumber Co. v. New York C. R. Co.*, 152 I. C. C. 65.

611. Upon further hearing rate charged on a carload of lumber from Woodbury, Ga., to Buffalo, N. Y., found applicable. Complaint dismissed. Original report, 129 I. C. C. 457.

*Simms Oil Co. v. Houston & T. C. R. Co.*, 152 I. C. C. 67.

612. Upon further consideration, former report 147 I. C. C. 586, finding the rate on knocked-down steel tanks, in carloads, from Wortham, Tex., to Smackover, Ark., was unreasonable, modified in part. Reparation awarded.

*Liberty Glass Co. v. Chicago, M. & St. P. Ry. Co.*, 152 I. C. C. 69.

613. Rates charged on cullet, in carloads, from Chicago, Ill., and St. Louis and Kansas City, Mo., to Poteau, Okla., and from Chicago and Quincy, Ill., to Fort Smith, Ark., found unreasonable. Reparation awarded.



*Federated Metals Corp. v. Tennessee C. Ry. Co.*, 152 I. C. C. 75.

614. Rates charged on scrap zinc, in carloads, from Old Hickory, Tenn., to East Alton, Ill., and St. Louis, Mo., found inapplicable. Applicable rate to East Alton found not unreasonable. Reparation awarded.

*Caruso, Rinella, Battaglia Co. v. Atlantic C. L. R. Co.*, 152 I. C. C. 77.

615. Rates on fresh vegetables, in carloads, from Beach Grove, Va., and from points on the so-called western branch of the Atlantic Coast Line in the State of Virginia destined to certain points in the State of New York found not unreasonable or unduly prejudicial. Service accorded this traffic found not inadequate. Complaint dismissed.

*Hylton Flour Mills v. Los Angeles & S. L. R. Co.*, 152 I. C. C. 81.

616. Failure to absorb interstate switching charges on grain and grain products transited at Ogden on the tracks of the Utah Idaho Central found not unreasonable. Complainant not shown to have been damaged by any undue prejudice or unjust discrimination that may have existed. Complaint dismissed.

*S. Dak. State Highway Commission v. Minneapolis, St. P. & S. S. M. Ry. Co.*, 152 I. C. C. 85.

617. Rates on reinforced-concrete pipe, in carloads, from Watertown, S. Dak., to Victor, New Effington, and Hammers, S. Dak., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*St. Joseph Viscosity Oil Co., v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 89.

618. Rates charged on refined oils, in tank-car loads, from Kansas Group 2 points to St. Joseph, Mo., found not unreasonable or unjustly discriminatory. Complainant and interveners not shown to have been damaged by reason of any undue prejudice that may have existed. Complaint dismissed.

*Ky. Mine Supply Co. v. Southern Ry. Co.*, 152 I. C. C. 92.

619. Rates charged on shipments of stoves, in carloads, from Cleveland, Tenn., to Harlan and Hazard Ky., found to have been unreasonable. Certain of the shipments to Harlan found to have been misrouted. Reparation awarded. Record affords no ground for prescription of rates for future application lower than the subsequently reduced and now applicable rates.

*Tex. Cement Plaster Co. v. Southern Ry. Co.*, 152 I. C. C. 95.

620. Rates on gypsum building blocks, in carloads, from Plasterco and Plasterco Junction, Tex., to Jacksonville, Fla., and points in Florida basing thereon, found not unreasonable. Complaint dismissed.

*Keokuk Chamber of Commerce v. Alabama & V. Ry. Co.*, 152 I. C. C. 99.

621. Rates on barrel staves and headings, in carloads, from certain points in Arkansas, Louisiana, and Missouri to Alexandria, Mo., and Keokuk, Iowa, found not unreasonable but unduly prejudicial. Undue prejudice ordered removed.

*Atlas Portland Cement Co. v. Southern Ry. Co.*, 152 I. C. C. 102.

622. Rate charged on 10 carloads of cement, shipped from Leeds, Ala., to Doughton, N. C., found inapplicable. Applicable rate found unreasonable. Reparation awarded.

*Berney-Bond Glass Co. v. Ann A. R. Co.*, 152 I. C. C. 105.

623. Joint rates collected on numerous carload shipments of glass bottles from Columbus and South Columbus, Ohio, to Minneapolis and St. Paul, Minn., and Eau Claire, Wis., found unreasonable to the extent that they exceeded the lower of two intermediate combinations contemporaneously in effect over the three routes of movement, which lower combination applied over the longest of the three routes, and in the amount of which a thorough commodity rate was thereafter established for the application over each route. Reparation awarded.

*Glover Hardware & Harness Co. v. Chicago & N. W. Ry. Co.*, 152 I. C. C. 107.

624. Rate charged on a less-than-carload shipment of harness from Clinton, Iowa, to Waupaca, Wis., found applicable. Complaint dismissed.



*Baron & Co. v. Pennsylvania R. Co.*, 152 I. C. C. 109.

625. Rate charged on crushed strawberries, in sugar, in barrels, in carloads, from Port Norfolk, Va., to New York, N. Y., found applicable and not unreasonable. Complaint dismissed.

*Berney-Bond Glass Co. v. Lake E. F. & C. R. Co.*, 152 I. C. C. 112.

626. Rate on glass milk bottles, in carloads, from Clarion, Pa., to Nashville, Tenn., found to have been unreasonable and reparation awarded.

*Burns v. Central of G. Ry. Co.*, 152 I. C. C. 115.

627. Charges collected and minimum weight provided in connection with rate on two carloads of potatoes from Taylor Falls and Friesland, Minn., to Macon, Ga., found inapplicable, and the applicable rate found unreasonable. Reparation awarded.

*Republic Creosoting Co. v. Baltimore & O. R. Co.*, 152 I. C. C. 117.

628. Rate on creosote oil, in tank-car loads, from Indianapolis, Ind., to Norfolk, Va., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Lynchburg Chamber of Commerce v. Southern Ry. Co.*, 152 I. C. C. 119.

629. Rate charged on a carload of pine lumber shipped from Edgefield, S. C., to Roanoke, reconsigned to Charles-Town, W. Va., found applicable.

630. Applicable rate found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*New Bedford Board of Commerce v. Atlanta & W. P. R. Co.*, 152 I. C. C. 122.

631. Rail-water-rail rates on numerous carload shipments of cotton, compressed in bales, from New Bedford, Mass., to Barnesville and Thomaston, Ga., found unreasonable. Reparation awarded except as to shipments barred by statute of limitations.

*Huey & Philip Hardware Co. v. Alabama & V. Ry. Co.*, 152 I. C. C. 125.

632. Rates on stoves, ranges, hollow ware, and stove furniture, in straight or mixed carloads, from St. Louis, Mo., and points in defined territories, to destinations in Texas, found not unreasonable. Complaints dismissed.

*Tex. Sugar Refining Co. v. Beaumont S. L. & W. Ry. Co.*, 152 I. C. C. 133.

633. Rates on sugar, in carloads, from Texas City and Sugarland, Tex., to Idabel, Valliant, and Broken Bow, Okla., found unreasonable and unduly prejudicial. Complainant and interveners found to have been damaged by reason of unduly prejudicial rate adjustment and reparation awarded on shipments that moved prior to February 28, 1927.

*Nash Finch Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 138.

634. Rates on common salt, in carloads, from certain points in Louisiana to certain destinations in Oklahoma found to have been unreasonable. Reparation awarded.

*Merrimac Paper Co. v. Boston & M. R.*, 152 I. C. C. 141.

635. Rate on imported china clay, in carloads, from Mystic Wharf, Boston, Mass., and other Boston docks, to Lawrence, Mass., found not unreasonable. Complaint dismissed.

*Rome Oil Mills v. Louisville & N. R. Co.*, 152 I. C. C. 145.

636. Carload rate charged on cottonseed from Munford, Ala., to Rome, Ga., found unreasonable but not unduly prejudicial. Reparation awarded and waiver of undercharges authorized.

637. Present rate between same points over lines of defendants found not unreasonable.

*Acker & Cook v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 147.

638. Carload rates on salt from specified points in Kansas to specified destinations in New Mexico, other than Tolar, on and after November 21, 1927, found not unreasonable, but rates prior to that date found unreasonable. Reparation awarded.

*Skelly Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 151.

639. Rates charged on fuel and gas oils in tank-car loads, from Eldorado, Kans., to Red Cloud and Franklin, Nebr., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*Brooks Bros. v. Canadian P. Ry. Co.*, 152 I. C. C. 155.

640. Carload rate on fir lumber from Albany, Oreg., to Birch, Mich., found not unreasonable. Complaint dismissed.

*Joint Council of Apple Shippers Asso. v. New York, N. H. & H. R. Co.*, 152 I. C. C. 158.

641. Defendants' failure to concur in section 4 of Agent Dearborn's perishable protective tariff found not unlawful.

642. Defendants' tariff provisions with respect to icing and re-icing perishable freight at points on their lines, other than Maybrook, N. Y., Midway, Conn., Harlem River, N. Y., and Boston, Mass., found unlawful under section 6 because indefinite and ambiguous.

643. Proposed charge of \$7 for icing and re-icing perishable freight at points on defendants' lines, other than Maybrook, Midway, Harlem River, and Boston, found not justfied and suspended schedules ordered canceled.

*Galesburg Horse & Mule Co. v. Chicago & N. W. Ry. Co.*, 152 I. C. C. 165.

644. Rates charged on horses and mules, in carloads, from points in South Dakota east of the Missouri River to Galesburg, Ill., found unreasonable. Reparation awarded.

*White Eagle Oil & Refining Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 169.

645. Rates on gasoline and other petroleum products now taking same rates, in carloads, from points in Missouri, Kansas, Oklahoma, and north Texas, to Sleepy Eye, Tracy, and Redwood Falls, Minn., found unreasonable to the extent indicated in the report. Reasonable rates prescribed. Reparation denied.

646. Rates on same commodities, in carloads, from Missouri, Kansas, Oklahoma, and north Texas, to Belview, Minn., found not unreasonable.

647. Basis of maximum reasonable rates on fuel oil and other low-grade petroleum products now taking same rates, in carloads, from and to the same points, prescribed.

*Jewel Co. v. Missouri P. R. Co.*, 152 I. C. C. 175.

648. Rates on gasoline, in tank cars, from Eldorado and Arkansas City, Kans., and Covington and Enid, Okla., to certain points in eastern Colorado, found not unreasonable. Complaint dismissed.

*Martin-Nash Motor Co. v. Chicago, M. & St. P. Ry. Co.*, 152 I. C. C. 179.

649. Rates on passenger automobiles, in carloads, from Kenosha and Milwaukee, Wis., Detroit and Lansing, Mich., and South Bend, Ind., to Atlanta, Ga., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Class and commodity rates*, 152 I. C. C. 185.

650. Proposed cancellation by Baltimore & Carolina Steamship Company of participation in joint through class and commodity rail-and-water rates between Baltimore, Md., and certain southeastern points, and proposed reduced proportional class and commodity rates between Baltimore and Philadelphia, Pa., on the one hand, and Charleston, S. C., on the other, found not justified. Suspended schedules ordered canceled.

651. Proposed new proportional class and commodity rates between Baltimore and Philadelphia, on the one hand, and Jacksonville, Fla., on the other, and between Jacksonville and Miami, Fla., for application on interstate traffic found justified. Orders of suspension vacated.

*Clay & Co. v. Gilmore & P. R. Co.*, 152 I. C. C. 191.

652. Rates on beef cattle, in carloads, and on sheep and lambs, in double-deck carloads, from points on the Gilmore & Pittsburgh Railroad in Idaho, and points on the City of Prineville Railway in Oregon, to Chicago, Ill., Omaha, Nebr., and other Missouri River markets found not unreasonable. Complaints dismissed.

*Barrett Co. v. New York, S. & W. R. Co.*, 152 I. C. C. 195.

653. Rate on tar oil, in tank-car loads, from Greenville Piers, Jersey City, N. J., to Philadelphia, Pa., found not unreasonable.

654. Rates on coal-tar oil, in tank-car loads, between Edgewater, N. J., and Philadelphia, Pa., found unreasonable. Reparation awarded and reasonable rates prescribed for the future.

*Penney Co. v. Cleveland, C., C. & St. L. Ry. Co.*, 152 I. C. C. 199.

655. Rates charged on a case of hosiery from Atlanta, Ga., to Alpena, Mich., found applicable. Complaint dismissed.



*Atlantic Coal Tar Distillates v. Baltimore & O. R. Co.*, 152 I. C. C. 202.

656. Rate on crude coal tar, in tank-car loads, from Pittsburgh, Erie, and Woodlawn, Pa., and Weirton, W. Va., to Bayway, N. J., found unreasonable but not otherwise unlawful. Reasonable rate prescribed for the future and reparation awarded.

*Arcady Farms Milling Co. v. Chicago, B. & Q. R. Co.*, 52 I. C. C. 205.

657. Rates on alfalfa hay, in carloads, from points in Kansas, Nebraska, Missouri, Iowa, Colorado, Wyoming, and Montana, ground into alfalfa meal at points within the Kansas City, Mo.-Kans., switching district and shipped beyond in straight carloads of alfalfa meal or as a constituent part of prepared stock foods to points in numerous States, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Anthony Salt Co. v. Arkansas V. I. R. Co.*, 152 I. C. C. 208.

658. Rates on salt, in carloads, from Kansas producing points to destinations in Oklahoma, found unreasonable. Reparation awarded.

*Tulsa Traffic Asso. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 211.

659. Rate on salt, in carloads, from Hutchinson, Kanopolis, and Lyons, Kans., to Tulsa, Okla., found unreasonable. Reparations awarded.

*K-T Oil Corp. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 213.

660. Rates on petroleum lubricating oil, in carloads, from certain points in Pennsylvania and West Virginia to Wichita, Kans., found not unreasonable. Complaint dismissed.

*Egyptian Tie & Timber Co. v. Baltimore & O. R. Co.*, 152 I. C. C. 217.

661. Carload rates on mine props from certain points in Missouri to points in Illinois on the lines of the Baltimore & Ohio, found unreasonable. Reasonable rates prescribed and reparation awarded.

*Orchard & Wilhelm Furniture Factory v. Chicago & N. W. Ry. Co.*, 152 I. C. C. 219.

662. Carload rate on furniture stock in the white from Cedar Rapids, Iowa, to Ralston, Nebr., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Richmond Mica Corp. v. Baltimore & O. R. Co.*, 152 I. C. C. 221.

663. Rate on imported scrap mica, in carloads, having value for grinding or pulverizing purposes only, in bags, or in packages, from New York and Brooklyn, N. Y., to Richmond, Va., found unreasonable to November 15, 1927, but present rate found not unreasonable. Reparation awarded.

664. Rates on the same commodity, in carloads, from Philadelphia, Pa., to Richmond, since August 7, 1925, found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*Bay Co. v. Boston & M. R.*, 152 I. C. C. 226.

665. Rule 25 class rates on cotton piece goods, less than carloads, from Exeter, N. H., and Walpole, Mass., to Bridgeport, Conn., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Pendleton & Gilkey v. Minneapolis, R. L. & M. Ry. Co.*, 52 I. C. C. 229.

666. Rate charged on a carload shipment of cedar posts from Redby, Minn., to Saratoga, Ind., found inapplicable. Reparation awarded.

*Menasha Printing & Carton Co. v. Chicago & N. W. Ry. Co.*, 152 I. C. C. 231.

667. Rate on mixed-carload shipment of pulpboard boxes, not corrugated, knocked down flat, and printed waxed wrapping paper, from Neenah-Menasha, Wis., to Joplin, Mo., found not unreasonable. Complaint dismissed.

*Albemarle Paper Mfg. Co., v. Baltimore & O. R. Co.*, 152 I. C. C. 234.

668. Rate on sulphate of alumina, in carload, from Bridesburg and Frankford, Pa., to Richmond, Va., found not unreasonable. Complaint dismissed.

*Murphy v. American Ry. Exp. Co.*, 152 I. C. C. 237.

669. Aggregate of express rate to Jersey City, N. J., and Erie Railroad's charge beyond applicable to shipments of cherries, in carloads, from Yakima and Grand View, Wash., and Salem, Oreg., to Pier 20, New York, N. Y., found unreasonable. Reparation awarded.



*Wapakoneta Machine Co. v. Baltimore & O. R. Co.*, 152 I. C. C. 239.

670. Rate on two tank-car loads of fuel oil from Kenova, W. Va., to Wapakoneta, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Ill. Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 241.

671. Rates charged on petroleum products, in carloads, from Tulsa, Cushing, and Garber, Okla., to Fulton and Mayfield, Ky., found applicable and not unreasonable. Complaint dismissed.

*Wickenhiser & Co. v. Chicago, I. & L. Ry. Co.*, 152 I. C. C. 244.

672. Two carloads of corn, in bulk, from Chalmers, Ind., to Waterville, Me., and Abbott's Run, R. I., respectively, found not misrouted by defendant. Complaint dismissed.

*Cash Feed Co. v. Atlantic C. L. R. Co.*, 152 I. C. C. 247.

673. Rate charged on hay, in carloads, from Lima, Ohio, to Lakeland, Fla., found applicable. Complaint dismissed.

*Smith v. Chicago, R. I. & P. Ry. Co.*, 152 I. C. C. 249.

674. Rate on buffaloes, in less than carloads, from Bascom, N. Mex., to Oklahoma city, Okla., found not unreasonable. Complaint dismissed.

*Perryton Equity Exch. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 251.

675. Rates on salt, in carloads, from Anthony, Hutchinson, Little River, Lyons, Sterling, and Kanopolis, Kans., to destinations in Texas, found unreasonable to the extent they exceeded the scale of distance rates prescribed in *Salt between Western and Southwestern Points*, 120 I. C. C. 91, 128 I. C. C. 431, 144 I. C. C. 428. Reparation awarded.

*International Diamond Drill Co. v. Chicago, B. & Q. R. Co.*, 152 I. C. C. 254.

676. Rate charged on steel tubing, in less than carloads, from Ellwood City, Pa., to Hillyard, Wash., found applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

*Cleveland Worsted Mills Co. v. Pennsylvania R. Co.*, 152 I. C. C. 257.

677. Rates on woolen piece goods from Ravenna, Ohio, to New York, N. Y., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Green Hamilton & Co. v. Boston & A. R. Co.*, 152 I. C. C. 260.

678. Rates on cotton card strippings, in carloads, from Boston, Mass., and interior New England points to Alabama City, Ala., found not unduly prejudicial but unreasonable. Reparation awarded.

*United Engineering & Foundry Co. v. Pennsylvania R. Co.*, 152 I. C. C. 263.

679. Reconsignment charge on one carload of pig iron from Jackson, Ohio, to Trafford, Pa., thence reconsigned to Pittsburgh, Pa., found unreasonable. Reparation awarded.

*Watab Paper Co. v. Canadian N. R. Co.*, 152 I. C. C. 265.

680. Raes on pulpwood, in carloads, from Warroad, Minn., to Sartell, Minn., originating in Canada, found unreasonable. Certain shipments found to have been misrouted, and others overcharged. Reparation awarded and reasonable rates for the future prescribed.

*Berghoff Products Co. v. New York, C. & St. L. R. Co.*, 152 I. C. C. 274.

681. Rate on cereal beverages, in carloads, from Fort Wayne, Ind., to Chicago, Ill., found not unreasonable. Complaint dismissed.

*Pierre First National Bank v. Chicago & N. W. Ry. Co.*, 152 I. C. C. 276.

682. Charges on four carloads of horses from Fort Pierre and Pierre, S. Dak., to National Stock Yards (East St. Louis), Ill., found applicable. Complaints dismissed.

*General Box Co. v. St. Louis S. W. R. Co.*, 152 I. C. C. 279.

683. Rate on rough lumber, in carloads, from Franklin, La., to Illmo, Mo., found unreasonable. Reparation awarded.

*City Baking Co. v. Pennsylvania R. Co.*, 152 I. C. C. 281.

684. Rates on printed waxed wrapping paper, in less than carloads, from Tacony, Pa., Newark, N. J., and Kalamazoo, Mich., to Baltimore, Md., and

from Newark and Garfield, N. J., to Frederick, Md., found unreasonable. Reparation awarded.

*Willow Springs Creamery Co. v. Illinois C. R. Co.*, 152 I. C. C. 284.

685. Rate on butter, in carloads, from Willow Springs, Mo., to New Orleans, La., found unreasonable. Reparation awarded.

*McInnis Chevrolet Co. v. Louisiana Ry. & Navigation Co.*, 152 I. C. C. 287.

686. Demurrage charges collected on shipments of automobiles from St. Louis, Mo., and Detroit, Mich., held at Baton Rouge, La., found applicable. Complaint dismissed.

*Ekstrum & Herrly v. Chicago, M. & St. P. Ry. Co.*, 152 I. C. C. 289.

687. Shipments of amalgam coal, in carloads, from Superior, Wis., to Minneapolis, Minn., found to have been undercharged but applicable rate found unreasonable to the extent that it exceeded the rate charged. Waiver of undercharges directed and complaint dismissed.

*Arnstein Simon & Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 292.

688. Rate on woolen cloth in the original piece, in less than carloads, from New York, N. Y., to San Francisco, Calif., found not unreasonable in the past, but unreasonable for the future. Reasonable rate prescribed for the future.

*Barker Bros. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 295.

689. Rates charged on l'neum, in less than carloads, from St. Louis, Mo., Chicago, Ill., and New York, N. Y., to Los Angeles, Calif., found applicable and not unreasonable. Complaint dismissed.

*Gamble Robinson Co. v. St. Louis S.-F. Ry. Co.*, 152 I. C. C. 297.

690. Rate charged on one carload of canned tomatoes from Sampson, Mo., to Minneapolis, Minn., found inapplicable. Reparation awarded.

*South Fayette Coal Co. v. Monongahela Ry. Co.*, 152 I. C. C. 299.

691. Rate on bituminous coal in carloads, from Big Meadow Run, Pa., to Cleveland and Ashtabula Harbor, Ohio, Erie, Pa., and other Lake Erie ports, for transshipment by water, found not unreasonable but unduly prejudicial. Undue prejudice ordered removed.

*Hyman-Michaels Co. v. Seaboard A. L. Ry. Co.*, 152 I. C. C. 303.

692. Charges collected on three carloads of contractors' outfits from Lake Worth, Fla., to St. Louis, Mo., found inapplicable. Reparation awarded.

*Valentine-Clark Co. v. Northern P. Ry. Co.*, 152 I. C. C. 305.

693. Rate charged on a shipment of cedar poles from Kootenai and Kooskia, Idaho, to Drake's Branch, Va., with transit at Minnesota Transfer, Minn., found inapplicable. Shipment found misrouted. Reparation awarded.

*Northern Ind. Brick Co. v. Cleveland, C., C. & St. L. Ry. Co.*, 152 I. C. C. 308.

694. Rates on sand-lime brick, in carloads, from Mishawaka, Ind., to Benton Harbor, Buchanan, Cassopolis, Kalamazoo, Niles, and St. Joseph, Mich., found unreasonable and unduly prejudicial. Reasonable and nonprejudicial basis of rates prescribed.

*Page & Son v. Southern P. Co.*, 152 I. C. C. 311.

695. Carload of cabbage from Harlingen, Tex., to Portland, Oreg., found to have been misrouted. Rate over route shipment should have moved found unreasonable. Reparation awarded.

*American Hide & Leather Co. v. Boston & M. R.* 152 I. C. C. 313.

696. Rate charged on leather, in carloads, from Ballston Spa, N. Y., to Manchester, N. H., found unreasonable prior to August 19, 1926, and inapplicable thereafter. Reparation awarded.

*Chapman's Sons Co. v. Boston & M. R.* 152 I. C. C. 316.

697. Rate on core sand, in carloads, from Boston, Mass., to Oldtown, Me., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*Wright v. Atlantic C. L. R. Co.*, 152 I. C. C. 319.

698. Rate charged on a carload of brick shipped from Augusta, Ga., to Lake Stearns, Fla., found applicable. Complaint dismissed.



*Golden State Milk Products Co. v. Northwestern P. R. Co.*, 152 I. C. C. 321.

699. Rate charged on butter, in carloads, from Fernbridge, Calif., to Dallas, Tex., found unreasonable. Reparation awarded.

*Crook Son & Co. v. Pere M. Ry. Co.*, 152 I. C. C. 324.

700. On further consideration, former report, 139 I. C. C. 45, finding affirmed that 14.5 cents was not an unreasonable rate on logs, in carloads, from Paw Paw and other points in Michigan to Hicksville, Ohio, prior to March 20, 1924.

*Brady v. Baltimore & O. R. Co.*, 152 I. C. C. 327.

701. Upon further hearing, reparation awarded to complainant because of undue prejudice found in our former report, 112 I. C. C. 244, to have existed in the distribution of coal cars.

*Fuller Brush Co. v. Boston & M. R.*, 152 I. C. C. 334.

702. Rate on wooden broom and mop handles in the white, in straight carloads, from Burlington, Vt., to Hartford, Conn., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

703. Rate on wooden broom and mop handles, varnished or shellacked, in straight carloads or in mixed carloads with broom and mop handles in the white, from Burlington to Hartford, found not unreasonable.

*Buffalo-Springfield Roller Co. v. Detroit, T. & I. R. Co.*, 152 I. C. C. 337.

704. Reparation awarded on account of overcharges collected on shipments of steam road rollers, in carloads, from Springfield, Ohio, to points in Kentucky, Tennessee, and Florida, and from Sangully, Olympia, and Boulevard, Fla., to Springfield, found due in previous report, 126 I. C. C. 177.

*Simmons Co. v. Chicago & N. W. Ry. Co.*, 152 I. C. C. 339.

705. Rate charged on two carloads of mattresses from Kenosha, Wis., to San Francisco, Calif., found applicable. Eight carloads from Kenosha to Seattle, Wash., and San Francisco, and Los Angeles, Calif., found undercharged. Complaint dismissed.

*Standard Export Trading Co. v. Atlantic C. L. R. Co.*, 152 I. C. C. 342.

706. Rates on hewn cedar logs and on cedar pencil slats, in carloads, from Homosassa and Crystal River, Fla., to Jacksonville, Fla., for export, and rates on cedar pencil slats, in carloads, from the same origin points to New York, N. Y., and points taking the same rates, found not unreasonable in the past but unreasonable for the future. Reasonable rates prescribed for the future.

*Hyman-Michaels Co., v. Seaboard Air Line Ry. Co.*, 152 I. C. C. 345.

707. Shipments of old steel rails and angle bars or splices, in carloads, from River Junction, Fla., to Brooksville, Fla., which originated at Boyles and Floamatton, Ala., and Russellville and Guthrie, Ky., and moved to River Junction as company material, found to have moved in interstate commerce. Applicable rates found not unreasonable. Complaint dismissed.

*Seif's Sons v. Chicago & N. W. Ry. Co.*, 152 I. C. C. 348.

708. Rate on agricultural implements, tractor engines, and binder twine, in carloads, from Chicago and Proviso, Ill., to Nailsville, Wis., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Lehigh Portland Cement Co., v. Chesapeake & O. Ry. Co.*, 152 I. C. C. 351.

709. A three-factor combination rate, charged on a carload shipment of cement from Union Bridge, Md., to Quinwood, W. Va., was subject to the combination rule published in Agent Jones's tariff I. C. C. No. U. S. 1, whereunder 50 cents was to be deducted from each factor, and to the sum of the remainder 50 cents was to be added. Each of the first two factors was in excess of 50 cents, whereas the third factor was 40 cents. *Found.* That the rule required a deduction of 50 cents from each of the first two factors, a deduction of 40 cents from the third factor as the maximum that could be deducted therefrom, and an addition of 50 cents to the sum of the remainders. The shipment was overcharged by the imposition of a higher rate. Reparation awarded.

*Minimum Rates on Hay and Straw*, 152 I. C. C. 355.

710. Proposed minimum rates on hay, straw, and other similar commodities from points in official territory to points in southern territory found justified.



except certain rates found not justified. Order of suspension vacated except as to rates found not justified, which are ordered canceled without prejudice to establishment of other minimum rates upon basis herein approved.

*Pacific Cottonseed Products Corp. v. Inter-Calif. Ry. Co.*, 152 I. C. C. 360.

711. Rate charged on cottonseed, in carloads, from Calexico, Calif., to Potash, Calif., over a route through Mexico, found not unreasonable. Complainant not shown to have been damaged by the alleged undue prejudice. Complaint dismissed.

*Groves & Sons Co. v. Florida E. C. Ry. Co.*, 152 I. C. C. 363.

712. Rate charged on a carload shipment of one traveling crane from Blythe-dale, Mo., to Ramrod Key, Fla., found inapplicable. Reparation awarded.

*Brewer Lumber Co. v. Chicago, R. I. & P. Ry. Co.*, 152 I. C. C. 365.

713. Rate charged on a carload shipment of lumber from Beale, La., to Omaha, Nebr., found inapplicable. Reparation awarded.

*Lewis Mfg. Co. v. Baltimore & O. R. Co.*, 152 I. C. C. 367.

714. Rate and minimum weight on fuel pitch, in carloads, from Dover, Ohio, to Baltimore, Md., for export, found not unreasonable. Complaint dismissed.

*Amicon Bros. v. Baltimore & O. R. Co.*, 152 I. C. C. 369.

715. Certain carload and less-than-carload shipments of dried onions, canned spinach, and dried fruits from New York, N. Y., to Williamson, W. Va., found to have been misrouted. Reparation awarded.

*Wimberly & Thomas Hardware Co. v. Pennsylvania R. Co.*, 152 I. C. C. 372.

716. Rate on iron stovepipe and stovepipe elbows, in mixed carloads, from Dover, Ohio, to Birmingham, Ala., found not unreasonable. Complaint dismissed.

*Buchanan v. Seaboard A. L. Ry. Co.*, 152 I. C. C. 375.

717. Carload rates charged on road rollers, road graders, scarifiers, power shovels, and parts thereof, a locomotive crane and parts thereof, and on a concrete-mixing machine and freight-trailer truck, n. o. i. b. n., from points in Illinois, Florida, Tennessee, Indiana, Virginia, Ohio, South Carolina, Alabama, and from Merritt, Ontario, to destinations in Kentucky, Mississippi, Alabama, and Florida, found inapplicable. Reparation awarded.

*Mo. Portland Cement Co. v. Illinois C. R. Co.*, 152 I. C. C. 381.

718. Rate charged on one carload of sand from Memphis, Tenn., to Taylor, Miss., found inapplicable. Reparation awarded.

*Birmingham Oil Mill v. Louisville & N. R. Co.*, 152 I. C. C. 383.

719. Rates on cottonseed, in carloads, from Graceville and Cottondale, Fla., to Birmingham and Montgomery, Ala., found unreasonable. Reparation awarded.

*Allied Contractors v. Chicago & N. W. Ry. Co.*, 152 I. C. C. 386.

720. Rate charged on one carload of dredging machine and parts from Broadview, Ill., to Florence, Nebr., not shown to have been unreasonable or unduly prejudicial, but shipment found to have been misrouted. Reparation awarded.

*Appalachian Power Co. v. Norfolk & W. Ry. Co.*, 152 I. C. C. 389.

721. On further consideration rates on bituminous coal, in carloads, from the Pocahontas, Tug River, and Thacker coal districts in West Virginia and from Clinch Valley districts Nos. 1 and 2 in Virginia to Bluefield, Va., and Bluefield, W. Va., found not unreasonable. Complaint dismissed. Original report, 144 I. C. C. 333, modified.

*Northwestern Fruit Exch. v. Erie R. Co.*, 152 I. C. C. 395.

722. Demurrage charges collected at Elmira, N. Y., on apples, in carloads, originating at points in Washington, found applicable. Complaint dismissed.

*Leach v. Atchison, T. & S. P. Ry. Co.*, 152 I. C. C. 397.

723. Carload of onions from Eagle Pass, Tex., to Roswell, N. Mex., found misrouted. Reparation awarded.

*French Battery & Carbon Co. v. New York C. R. Co.*, 152 I. C. C. 399.

724. Any-quantity rate charged on carload shipments of zinc battery shells from Claremont Park, N. Y., to Madison, Wis., found unreasonable. Reparation awarded.

*Transcontinental Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 402.

725. Upon reconsideration rates on petroleum products, in carloads, from certain Group 3 points in Oklahoma to Wayne and Concorn, Nebr., found not unreasonable prior to November 20, 1928, and original findings as to rates thereafter affirmed. Previous report, 147 I. C. C. 139.

*Norwood, Calef & Co. v. Boston & M. R.*, 152 I. C. C. 405.

726. Second class any-quantity rating in official classification on chair-seat frames from Keene, N. H., to Meriden, Conn., found not unreasonable in the past, but, as applied to carload shipments, found unreasonable for the future to the extent it exceeds fourth class, minimum 20,000 pounds, subject to rule 34.

*Red Wing Millwork Co. v. Chicago, M. St. P. & P. R. Co.*, 152 I. C. C. 407.

727. Rate charged on a mixed carload of doors, building woodwork and lumber from Red Wing, Minn., to Flint, Mich., found applicable and not unreasonable. Complaint dismissed.

*Central Commercial Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 409.

728. Rate on sugar, in carloads, from San Francisco and Crockett, Calif., to Flagstaff, Ariz., found unreasonable. Reparation awarded.

*Wilson Stave Co. v. Central R. Co. of N. J.*, 152 I. C. C. 411.

729. Rates charged on oak staves, in carloads, from North Little Rock, Ark., to Bayonne, N. J., found unreasonable. Reparation awarded.

*Carpenter Paper Co. v. Chicago & A. R. Co.*, 152 I. C. C. 413.

730. Rate charged on a carload of paper pulpboard shipped from Indianapolis, Ind., to Omaha, Nebr., found not unreasonable. Complaint dismissed.

*South Georgia Traffic Bureau v. Atlanta, B. & C. R. Co.*, 152 I. C. C. 418.

731. Rates on portable oil tanks, with wheels, and steel oil tanks, U. S. standard gauge No. 16, both with pumps attached, from Rochester, Pa., to Tifton, Ga., in less than carloads, found not unreasonable or unduly prejudicial. Complaint dismissed.

*Sweet Clover Seed to Sioux City, Iowa*, 152 I. C. C. 421.

732. Proposed increased rates on sweet-clover seed, in carloads, from various points in Minnesota, North and South Dakota to Sioux City, Iowa, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Interstate Refineries v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 425.

733. Rates on crude, fuel, and gas oils, in carloads, from points in the mid-continent field in Kansas and Oklahoma to Kansas City, Mo., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Hall Lumber Co. v. Louisville & N. R. Co.*, 152 I. C. C. 427.

734. Rate charged on lumber, in carloads, from Brewton, Ala., to Toccoa, Ga., found inapplicable. Reparation awarded.

*National Mortar & Supply Co. v. Ann A. R. Co.*, 152 I. C. C. C. 429.

735. Rates on agricultural limestone, in carloads, from Gibsonburg, Ohio, to destinations in the Lower Peninsula of Michigan which were reduced on August 26, 1926, found unreasonable prior to that date to the extent they exceeded the rates established on and maintained since that date. Reparation awarded. Rates from Gibsonburg to the same destinations in effect since August 25, 1926, found not unreasonable.

736. Rates on the same traffic from Gibsonburg to destinations in the Lower Peninsula of Michigan which were not reduced on August 26, 1926, found unreasonable. Reasonable rates for the future prescribed and reparation awarded.

737. Maintenance of intrastate rates on agricultural limestone, in carloads, from Michigan producing points to the destinations concerned which are lower, distance considered, than the rates contemporaneously in effect from Gibsonburg to the same destinations found unduly prejudicial. Undue prejudice ordered removed.



*Union Smelting & Refining Co. v. Pennsylvania R. Co.*, 152 I. C. C. 434.

738. Rates on zinc plates and sheets, in carloads, from Norfolk, Port Norfolk, and Portsmouth, Va., to certain destinations in Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia found not unreasonable or otherwise unlawful. Complaint dismissed.

*Vail Co. v. Southern P. Co.*, 152 I. C. C. 437.

739. Rates on sheep, in single-deck carloads, from various points in Nevada to Shamrock and Calipatria, Calif., found not unreasonable. Complaint dismissed.

*Atlantic Paper & Pulp Corp. v. Savannah & A. Ry.*, 152 I. C. C. 442.

740. Rates on certain shipments of wood pulp, in carloads, moving from Port Wentworth, Ga., directly to Pepperell, Mass., and from Port Wentworth to Boston, Mass., and reconsigned at Boston to Pepperell found unreasonable. Rate charged on certain other carload shipments of the same commodity from Port Wentworth to Boston and reconsigned to Pepperell found inapplicable. Reparation awarded.

*Bond & Nohl Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 447.

741. Rate on salt, in carloads, from Hutchinson, Kans., to Espanola, N. Mex., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*Anna Stone Co. v. Nashville, C. & St. L. Ry.*, 152 I. C. C. 451.

742. Shipments of broken stone, in carloads from Anna, Ill., to McKenzie and Huntingdon, Tenn., found to have been overcharged. Reparation awarded.

*National Cottonseed Products Corp. v. St. Louis-S. F. Ry. Co.*, 152 I. C. C. 453.

743. Rates charged on cottonseed, in carloads, from points in Arkansas and Missouri to Memphis, Tenn., found unreasonable. Reparation awarded.

*Hines Yellow Pine Co. v. Mississippi S. R.*, 152 I. C. C. 455.

744. Rate charged on lumber, in carloads, from Lumberton, Miss., to Valley Head, Ala., after August 25, 1925, found applicable and not unreasonable. Rate charged prior to that date found inapplicable and applicable rate found unreasonable. Waiver of undercharges authorized. Complaint dismissed.

*Culbertson Bros. Co. v. Chicago G. W. R. Co.*, 152 I. C. C. 458.

745. Rates on strawberries, grapes, and pears, carloads, from points in Missouri to Duluth, Minn., found not unreasonable. Complaints dismissed.

*Head v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 461.

746. Rates on refined oil, distillate, and fuel oil from various points in the midcontinent field to certain destinations in New Mexico found not unreasonable.

747. Rates on refined oil from Wichita Falls, Tex., and Eldorado, Kans., to Roswell, N. Mex., found unreasonable. Reasonable rates prescribed for the future. Reparation awarded.

748. Rates on refined oil, distillate, and fuel oil from Amarillo, Tex., to Clovis, N. Mex., and on refined and fuel oils from Amarillo to Roswell, N. Mex., and on refined oil and distillate from Borger, Tex., to Clovis found unreasonable prior to October 11, 1926, but present rates found not unreasonable. Reparation awarded.

*Sperry Flour Co. v. Chicago, R. I. & P. Ry. Co.*, 152 I. C. C. 467.

749. Storage in transit found not authorized at Fort Worth, Tex., on wheat, in carloads, from specified points in Oklahoma to certain destinations in California. Failure of the Chicago, Rock Island & Gulf to authorize such transit found not unreasonable, but failure of this carrier to authorize transit at Fort Worth, while maintaining transit arrangements at certain other points in Texas, found unduly prejudicial. Waiver of outstanding undercharges denied. Undue prejudice ordered removed.

*King v. Vicksburg, S. & P. Ry. Co.*, 152 I. C. C. 471.

750. Complaint alleging unreasonableness of the rates on cotton, in carloads and less than carloads, from Arcadia, Sinsboro, and Blenville, La., concentrated in transit at Ruston, La., and reshipped to New Orleans, La., Galveston, Tex., San Francisco, Calif., and Tacoma and Seattle, Wash., for export, found barred by the statute of limitations. Complaint dismissed.



*Olive Hill Limestone Co. v. Chesapeake & O. Ry. Co.*, 152 I. C. C. 473.

751. Rates charged on crushed stone, in carloads, from Atlas, Ky., to specified destinations in West Virginia found inapplicable. Rates charged to other destinations found applicable. Applicable rates found to have been unreasonable. Reparation awarded.

*Washington Building Lime Co. v. Akron & B. B. R. Co.*, 152 I. C. C. 477.

752. Upon further consideration, defendants authorized to group upper Mississippi River crossings and certain points in and around Chicago, Ill., in connection with rates on lime in carloads, from Woodville, Ohio, and certain other points of origin, prescribed in former reports, 112 I. C. C. 7 and 122 I. C. C. 105.

*Cooledge & Sons v. Atlantic C. L. R. Co.*, 152 I. C. C. 480.

753. Rates charged on plate glass and polished wire glass, in carloads, from Washington, Pa., Saginaw, Mich., and Toledo, Ohio, to Sanford, Fla., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Federated Metals Corp. v. Pennsylvania R. Co.*, 152 I. C. C. 483.

754. Carload rates to Pittsburgh, Pa., on copper ingots from Canton, Ohio, and copper scrap from Rochester and Syracuse, N. Y., and from Pittsburgh on brass and copper ingots to Mansfield, Pa., Dover, Toronto, and Youngstown, Ohio, Sheboygan, Wis., Follansbee, W. Va., and Rochester and Syracuse, in effect prior to January 27, 1927, found unreasonable. Reparation awarded.

755. Carload rate on scrap lead from Pittsburgh to Chicago, Ill., found unreasonable. Reasonable rate prescribed and reparation awarded.

*County of Allegheny v. New York O. R. Co.*, 152 I. C. C. 490.

756. Rate charged on shipments of sand, in carloads, from Sandusky, Ohio, to destinations in Pennsylvania grouped with Pittsburgh, found not unreasonable or unduly prejudicial. Complaint dismissed.

*Walter-Wallingford & Co. v. Central of G. Ry. Co.*, 152 I. C. C. 493.

757. Carload rate on pipe and flues (scrap iron) from Montgomery, Ala., to Birmingham, Ala., over an interstate route, found to have been unreasonable. Reparation awarded.

*Connell & Laub v. Baltimore & O. R. Co.*, 152 I. C. C. 495.

758. Rates charged on crushed stone, in carloads, moving interstate from Martinsburg and Kearneysville, W. Va., to Erwin, W. Va., and Offutt, Md., found inapplicable. Reparation awarded.

*Crane Co. v. Chesapeake & O. Ry. Co.*, 152 I. C. C. 498.

759. Rate on cast-iron pipe and fittings, in carloads, from Anniston, Ala., to Lee Hall, Va., found not unreasonable or violative of section 4 of the interstate commerce act. Complaint dismissed.

760. Fourth-section application for authority to maintain a lower rate on the commodities named from Anniston to Newport News than to intermediate points denied.

*Arko v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 501.

761. Rates on grapes, in carloads, from producing points in California to certain destinations in Minnesota found unreasonable. Reparation awarded.

*Wallace Pencil Co. v. Chicago, B. & Q. R. Co.*, 152 I. C. C. 512.

762. Rates on cedar pencil slats, in carloads, from Murfreesboro and Lewisburg, Tenn., to St. Louis, Mo., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*Gateway Hay Co. v. Missouri & N. A. Ry. Co.*, 152 I. C. C. 515.

763. Upon reconsideration, findings in former report, 148 I. C. C. 337, that rates on grain, grain products, hay, seeds, and articles taking same rates, in carloads, from points in Oklahoma to destinations in Arkansas on Missouri & North Arkansas Railway, were and are unreasonable to the extent that they exceeded or exceed rates based on the distance scale prescribed in *Oklahoma Corporation Commission v. A. R. R.*, 80 I. C. C. 607, plus differentials of 44 per cent to accrue to the Missouri & North Arkansas Railway for those portions of the hauls performed by it, affirmed.

*Perrine-Armstrong Co. v. Pennsylvania R. Co.*, 150 I. C. C. 517.

764. Rates charged on one carload of lumber from Matthews, Ind., to Greenville P.er, N. J., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Bergin-Price Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 519.

765. Rates on fresh fruits and vegetables, in carloads, from points in California and Wells siding, Nev., to Salt Lake City and Ogden, Utah, found unreasonable. Reasonable rates prescribed and reparation awarded.

*United Paperboard Co. v. Akron, C. & Y. Ry. Co.*, 152 I. C. C. 527.

766. Carload rates on strawboard between points in central territory and from points in that territory to destinations in trunk-line territory found not unreasonable or unduly prejudicial. Complaint dismissed.

*Bussey v. Atlantic C. L. R. Co.*, 152 I. C. C. 533.

767. Upon reconsideration, finding in former report herein, 144 I. C. C. 117, that rates on agricultural insecticide, known as Hills mixture, in carloads, from Wheless, Ga., to certain destinations in Arkansas, Texas, and Oklahoma, were not unreasonable, reversed. Reparation awarded.

*Roodin & Co. v. Pere M. Ry. Co.*, 152 I. C. C. 535.

768. Carload rates on steel turnings and scrap iron from Allegan, Holland, and Muskegon, Mich., to destinations in Ohio, Pennsylvania, and West Virginia, found not unreasonable.

769. Failure of defendants to promptly transmit and comply with reconsignment instructions found to have damaged complainant. Reparation awarded.

*Bender Iron & Supply Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 539.

770. Carload rates on wrought-iron pipe, from points in Oklahoma to destinations in Arkansas and Louisiana found not unreasonable or otherwise unlawful except that rate on one unrouted shipment from Tulsa, Okla., to Shreveport, La., found unreasonable. Reparation awarded.

*Crerar Clinch Coal Co. v. Ann A. R. Co.*, 152 I. C. C. 544.

771. Finding in original report, 118 I. C. C. 171, that applicable rates on bituminous coal, in carloads, from Herrin, Ill., to Bannister, Ashley, North Star, and Ithaca, Mich., were not unreasonable, reversed, but that report affirmed in other respects. Findings in report on rehearing, 142 I. C. C. 20, as to alleged misrouting of certain cars made immaterial by conclusions herein. Reparation awarded.

*Davis Co. v. Missouri-K. T. R. Co. of Tex.*, 152 I. C. C. 547.

772. Rate on wrought-iron pipe, in carloads, from Bryant, Okla. to Navarro, Tex., found unreasonable. Reparation awarded.

*Lynchburg Chamber of Commerce v. Norfolk & W. Ry. Co.*, 152 I. C. C. 550.

773. Charges collected on a knocked-down freight wagon from Lynchburg, Va., to West Point, Miss., found to have been in excess of those applicable. Refund of overcharge directed and specific rating prescribed for future shipments.

*Abeles & Taussig Lumber & Tie Co. v. Detroit & T. S. L. R. Co.*, 152 I. C. C. 553.

774. Demurrage charges collected for the detention at Detroit, Mich., of a carload of lumber originating at Pine Apple, Ala., found applicable. Complaint dismissed.

*Barnhart Coal Co. v. Chicago & E. I. Ry. Co.*, 152 I. C. C. 555.

775. Rates on bituminous coal, in carloads, from the Brazil-Clinton and Linton-Sullivan groups in Indiana to certain points in Illinois found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*Missouri Gravel Co. v. Chicago, B. & Q. R. Co.*, 152 I. C. C. 561.

776. Carload rate on sand and gravel from Louisiana, Mo., to Quincy, Ill., found unreasonable. Reasonable rate prescribed.

*Murphy Lumber Co. v. Denver & R. G. W. R. Co.*, 152 I. C. C. 565.

777. Rate charged on a carload of lumber shipped from Quincy, Calif., to Lexington, Ky., found applicable. Complaint dismissed.

*Fee v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 567.

778. Rates on potatoes and onions without tops, in straight or mixed carloads, from points in Colorado to destinations in New Mexico found not unreasonable prior to July 14, 1928, but unreasonable on and after that date. Reasonable rates prescribed for the future and reparation awarded.

*Brewer Lumber Co. v. St. Louis-S. F. Ry. Co.*, 152 I. C. C. 571.

779. Rate charged on a carload of lumber shipped from Fort Towson, Okla., to Omaha, Nebr., found inapplicable. Reparation awarded.

*Shearman Concrete Pipe Co. v. Texas & N. O. R. Co.*, 152 I. C. C. 573.

780. Rates on concrete sewer pipe, in carloads, from Dallas, Tex., to Lake Charles, La., found unreasonable. Reparation awarded.

*Fords Porcelain Works v. Baltimore & O. R. Co.*, 152 I. C. C. 576.

781. Rate on clay, in carloads, from Hickory, Ky., to Perth Amboy, N. J., found not unreasonable, or in violation of the aggregate-of-intermediates provision of section 4 of the act. Complaint dismissed.

*San Angelo Cotton Oil Co. v. Arizona E. R. Co.*, 152 I. C. C. 579.

782. Upon reconsideration, finding in former report herein, 144 I. C. C. 10, that the rate on cottonseed, in carloads, from Safford, Ariz., to San Angelo, Tex., was not unreasonable, reversed. Reparation awarded.

*Washington Paper Co. v. Baltimore & O. R. Co.*, 152 I. C. C. 581.

783. Rates on paper cups, in carloads, and less than carloads, from Chicago, Ill., New York and Brooklyn, N. Y., to Washington, D. C. found unreasonable. Reparation awarded.

*Rio Grande Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 583.

784. Rates on sulphuric acid, in iron or steel barrels or drums, in carloads, from Los Angeles, Calif., to Phoenix, Ariz., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Okmulgee Furniture Co. v. Fort S. & W. Ry. Co.*, 152 I. C. C. 586.

785. Carload rate on furniture, from Fort Smith, Ark., to Okmulgee, Okla., found to have been unreasonable. Reparation awarded.

*McGahey v. Southern Ry. Co.*, 152 I. C. C. 589.

786. Rate charged on ground limestone, in carloads, from Mascot, Tenn., to Miami, Fla., found inapplicable. Reparation awarded.

*Mifflin Hood Brick Co. v. Central of Ga. Ry. Co.*, 152 I. C. C. 591.

787. Carload rate on face brick from Gordon, Ga., to Beaumont, Tex., found unreasonable. Reparation awarded.

*Glover Co. v. Chicago, M. & St. P. Ry. Co.*, 152 I. C. C. 593.

788. Rate on woolen cloth, in less than carloads, from Eureka, Calif., to Dubuque, Iowa, found unreasonable and unduly prejudicial. Reparation awarded.

*Smith & Co. v. Florida E. C. Ry. Co.*, 152 I. C. C. 596.

789. Rate assessed on various shipments of scrap iron, in carloads, from South Jacksonville, Fla., to Birmingham, Ala., found to have been applicable and not unreasonable. Complaint dismissed.

*Atkins & Co. v. Illinois C. R. Co.*, 152 I. C. C. 599.

790. Applicable charges on a shipment of shopworn and damaged logging tools from Memphis, Tenn., to Evart, Mich., found not unreasonable. Complaint dismissed.

*Cummer Mfg. Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 601.

791. Rate on collapsible wooden fruit and vegetable crates, in carloads, from Paris and Mineola, Tex., to Thermal, Indio, Coachella, and Brawley, Calif., found not unreasonable or otherwise unlawful.

792. Rate on collapsible wooden fruit and vegetable crates, in carloads, from Paris and Mineola to Bernice, Blythe, and Calexico, Calif., found unreasonable but not otherwise unlawful. Reasonable rate prescribed for the future and reparation awarded.



793. Rates on fruit and vegetable baskets, in carloads, from Paris and Mineola, and on fruit and vegetable baskets or hampers, in carloads, from New Orleans, La., to Thermal, Indio, Coachella, Brawley, Bernice, Blythe, Calexico, Bakersfield, and Stockton, Calif., found unreasonable but not otherwise unlawful. Reasonable rates prescribed for the future. Reparation awarded in No. 19791.

*Mainly Construction Co. v. Cleveland, C., C. & St. L. Ry. Co.*, 152 I. C. C. 612.

794. Rates charged on locomotive cranes, in carloads, from Champaign, Ill., to Umatilla, Fla., and from Elyria, Ohio, to Tampa, Fla., found inapplicable. Reparation awarded.

*Salina Chamber of Commerce v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 615.

795. Rates on eggs, in carloads, from Salina, Kans., to Tampa, Fla., found to have been unreasonable. Reparation awarded. Present rates from Salina to Memphis, Tenn., and to points in southern territory found not unreasonable. Present rates from Salina to points in southern territory found not unduly prejudicial but rate from Salina to Memphis unduly prejudicial. Undue prejudice ordered removed.

*Lakeland v. Atlantic C. L. R. Co.*, 152 I. C. C. 621.

796. Rate charged on one steam road roller from Springfield, Ohio, to Lakeland, Fla., found inapplicable. Reparation awarded.

*Fla. Power & Light Co. v. Atlantic C. L. R. Co.*, 152 I. C. C. 623.

797. Rates charged south of Jacksonville, Fla., on interstate carload shipments of electrical appliances to destinations in Florida found inapplicable. Reparation awarded.

*Reed-Dawson Co. v. Florida E. C. Ry. Co.*, 152 I. C. C. 627.

798. Demurrage charges assessed at New Smyrna, Fla., on 62 carloads of slag shipped from Birmingham, Ala., found applicable. Complaint dismissed.

*Budger Lumber & Coal Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 629.

799. Upon reconsideration of title case and of same question presented in No. 18892, rates on stucco found applicable to magnesite stucco, consisting of a mechanical mixture of ground calcined magnesite and certain fillers, but such rates found not applicable to mixed carloads of magnesite stucco and magnesium chloride or to mixed carloads of magnesite stucco, magnesium chloride, and crushed rock. Overcharges ordered refunded. Finding in original report in title case, 120 I. C. C. 590, on this point reversed.

800. Rates in No. 18892 applicable to mixed carloads of magnesite stucco and magnesium chloride, and to mixed carloads of magnesite stucco, magnesium chloride and crushed rock, found unreasonable. Reparation awarded.

*Blair Lumber Co. v. Seaboard A. L. Ry. Co.*, 152 I. C. C. 633.

801. Rates on lumber, in carloads, from Midway, Fla., to Chattanooga, Tenn., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Central R. Co. of N. J. v. New York, N. H. & H. R. Co.*, 152 I. C. C. 639.

802. Upon stipulation of agreement between the parties upon a basis for concluding these proceedings, complaint dismissed and suspension proceeding discontinued. Former report 122 I. C. C. 661.

*Potomac Electric Power Co. v. Chesapeake & O. Ry. Co.*, 152 I. C. C. 641.

803. Upon further hearing, former report in No. 18641, 142 I. C. C. 236, in which rates on bituminous coal, in carloads, from mines in the New River district in West Virginia, on the Chesapeake & Ohio, to destinations in the District of Columbia and adjacent destinations in Maryland and Virginia were found not unreasonable, affirmed.

804. Former finding that rates on bituminous coal, in carloads, from mines in the New River district in West Virginia, on the Chesapeake & Ohio, to Benning, D. C. were and are not unduly prejudicial, affirmed.

805. Former finding that rates on bituminous coal, in carloads, from mines on the Norfolk & Western and Virginian in Virginia, West Virginia, and Kentucky to destinations in the District of Columbia and adjacent destinations in Maryland and Virginia were unduly prejudicial to the extent they exceeded or exceed rates contemporaneously maintained from the mines on the Chesapeake & Ohio in comparable districts, affirmed.

806. Former finding that rates on bituminous coal, in carloads, from mines in the New River district in Virginia, West Virginia, and Kentucky, on the Chesapeake & Ohio, to Washington, D. C., for Baltimore & Ohio delivery and to Rilee and Rosslyn, Va., were unduly prejudicial to the extent they exceeded or exceed the rates maintained from the same district to Washington, D. C., for Pennsylvania delivery, affirmed.

807. Proposed rates on bituminous coal, in carloads, from mines in the New River district in Virginia, West Virginia, and Kentucky on the Chesapeake & Ohio, Norfolk & Western, and Virginian to Washington, D. C., and adjacent destinations in Maryland and Virginia found justified. Order of suspension vacated and proceeding discontinued.

*Taylor-Lockwood Co. v. Cleveland, C., C. & St. L. Ry. Co.*, 152 I. C. 654.

808. Rate on less-than-carload shipments of wood shoddy from Cleveland, Ohio, to Sweetwater, Tenn., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Treyz & Co. v. Baltimore & O. R. Co.*, 152 I. C. C. 657.

809. Upon argument, finding in original report, 146 I. C. C. 108, that the rates on bituminous coal, in carloads, from the Clearfield and Westmoreland districts in Pennsylvania and from points on the Monongahela Railroad in West Virginia to Trout Brook, Hortons, Cooks Falls, Roscoe, Livingston Manor, and Corbett, N. Y., and on steam sizes of anthracite coal, in carloads, from Mayfield, Pa., to the same destinations, except Corbett, were not unreasonable in the past reversed, and reparation awarded.

*Newsom & McLeod v. Florida E. C. Ry. Co.*, 152 I. C. C. 662.

810. Rates charged on potatoes, in bags, in carloads, from Boston, Mass., to Miami, Fla., found inapplicable. Applicable rate found unreasonable and reparation awarded.

*Albert Lea Packing Co. v. Chicago, M. & St. P. Ry. Co.*, 152 I. C. C. 665.

811. Upon further argument, original findings regarding the applicability and reasonableness of demurrage charges assessed for the detention of private cars on private tracks at Albert Lea, Minn., affirmed. Precious report, 140 I. C. C. 157.

*Iola Cement Mills Traff. Asso. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 669.

812. Original finding that rate of 11 cents per 100 pounds on cement, in carloads, from the Kansas gas belt to destinations in the Kansas City, Mo.-Kans. switching district, is not unreasonable, affirmed.

813. Upon further argument, relationship of the 11-cent interstate rate from the Kansas gas belt, on the one hand, and interstate or intrastate rates of 4.5 cents per 100 pounds on like traffic from Cement City (Sugar Creek), Mo., and Bonner Springs and Sunflower, Kans., on the other hand, to said destinations, found not to result in undue prejudice to the former and undue preference of the latter, or in unjust discrimination against interstate commerce. Original report, 122 I. C. C. 337, reversed in part, and complaints in Nos. 15117 and 15138 dismissed. Proceeding in No. 203 discontinued.

*Quiroga & Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 674.

814. Rates on eggs, in carloads, from specified points in Kansas, Missouri, and Iowa to New Orleans, La., stored in transit at Chicago, Ill., found not to have been unreasonable. Complaint dismissed.

815. Rates on eggs, in carloads, from specified points in Kansas, Missouri, and Oklahoma to Key West, Fla., for export to Havana, Cuba, found unreasonable for the future but not in the past. Basis for reasonable rates prescribed. Reparation denied.

816. Present rate on eggs, in carloads, from Salina, Kans., to Key West for export to Havana found unreasonable. Reasonable rate prescribed.

*Jackson Traffic Bureau v. Chicago & A. R. Co.*, 152 I. C. C. 684.

817. Rates on road-building machinery, in carloads, from Minneapolis, Minn., to Jackson, Miss., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Albany Perforated Wrapping Paper Co. v. Boston & A. R.*, 152 I. C. C. 688.

818. Rates on wood pulp, in carloads, from Boston, Mass., to certain destinations on the Boston & Albany Railroad found not unreasonable. Rates on wood



pulp from Albany, N. Y., to the same destinations found unreasonable. Reasonable rates prescribed. Reparation awarded.

*Rules for Handling Perishable Shipments*, 152 I. C. C. 691.

819. Proposed changes in rules for handling less-than carload shipments of perishable commodities in individual cars under the western classification found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Lumber Transited on De Queen & E. R. and Texas, O. & E. R.*, 152 I. C. C. 697.

820. Proposed cancellation of transit arrangements at points on respondents' lines on lumber, in carloads, originating at points on these lines found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Atlas Plywood Corp. v. Bangor & A. R. Co.*, 152 I. C. C. 699.

821. Rates on veneer and box shooks, in carloads, from Greenville and Stockholm, Me., to Red Lion and Dallastown, Pa., found unreasonable. Reparation awarded and reasonable rates prescribed for the future.

*American Hawaiian S. Co. v. Erie R. Co.*, 152 I. C. C. 703.

822. Steamship companies engaged in the transportation of freight articles by water through the Panama Canal between Pacific coast ports and Atlantic and Gulf ports found competent to maintain proceedings as complainants under the interstate commerce act.

823. The maintenance of two carload rates and two carload minima, and the application thereof to the transportation of canned fruits and vegetables from Pacific coast points of origin to destination points north of the Ohio and Potomac Rivers and east of the Missouri River, by all-rail carriers, found to be not unduly prejudicial against said steamship companies or otherwise in violation of section 3 of said act.

824. The maintenance of blanket carload rates, and the application thereof to the transportation of canned fruits and vegetables from Pacific coast points of origin as aforesaid to points of destination in the territory described, found to be not unduly prejudicial against said steamship companies or otherwise in violation of said section 3.

825. Section 500 of the transportation act found not to impose any duty on said all-rail carriers.

*Aberdeen Chamber of Commerce v. Northern P. Ry. Co.*, 152 I. C. C. 716.

826. Rate on cream, in 10-gallon cans, in baggage cars in passenger-train service, from Jamestown, N. Dak., to Aberdeen, S. Dak., found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rate prescribed and reparation awarded.

*Adkins-Polk Co. v. Chicago, B. & Q. R. Co.*, 152 I. C. C. 719.

827. Rate on oleomargarine, in carloads, from Chicago, Ill., to Dallas, Tex., found unreasonable. Reparation awarded.

*Interstate Commerce Commission v. Baltimore & O. R. Co.*, 152 I. C. C. 721.

828. Upon complaint and investigation, *Held*, That the Baltimore & Ohio Railroad Company, New York Central Railroad Company, and New York, Chicago & St. Louis Railroad Company have violated section 7 of the Clayton Antitrust Act by acquisition of capital stock of the Wheeling & Lake Erie Railway Company. Orders entered requiring said Baltimore & Ohio Railroad Company, New York Central Railroad Company, and New York, Chicago & St. Louis Railroad Company to cease and desist from such violations, and to divest themselves of the stock so acquired.

*Ill. Silica Sand Traff. Bureau v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 749.

829. Interstate rates on silica sand, in carloads, from the Ottawa, Ill., district to the Chicago switching district, and Chicago rate points, including Gary, Ind., found not unreasonable or unduly prejudicial. Rates on like traffic to other destinations in Indiana and to certain destinations in Michigan and Wisconsin found unreasonable but not unduly prejudicial. Reasonable rates prescribed for the future.

830. Findings in original report in No. 15833, 109 I. C. C. 346, that the rate on molding (silica) sand, in carloads, from Ottawa and Utica, Ill., to Keokuk, Iowa, was not shown to be unreasonable but was unduly prejudicial to Keokuk



and unduly preferential of Burlington, Iowa, and Quincy, Ill., and prescribing nonprejudicial relationships and denying reparation, affirmed on further hearing.

*Jaloff v. Spokane, P. & S. Ry. Co.*, 152 I. C. C. 758.

831. Incorporation by defendant railway company of a subsidiary company and operating through that company a motor-bus line between Portland, Oreg., and Astoria, Oreg., found not in violation of the provisions of paragraph 18 of section 1 of the interstate commerce act relating to the obtaining of a certificate of public convenience and necessity or of section 15a of the act relating to the recapture by the Government of excess earnings of common carriers subject to the act.

832. Carriers subject to the act must file tariffs showing specifically charges for services subject to the act independent of any charges for service by motor bus. Charges for service subject to the act must be collected and retained entirely by the carriers subject to the act.

833. The commission is without jurisdiction to determine whether the articles of incorporation of defendant railway company permit it to engage in motor transportation by the organization of a separate company for that purpose. Complaint dismissed.

*Birmingham Rail & Locomotive Co. v. Alabama G. S. R. Co.*, 152 I. C. C. 761.

834. Rates on railway-track material, in carloads, from points in Arkansas to Birmingham, Ala., district, found not unreasonable or unduly prejudicial. Complaint dismissed.

*Gilliland Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 764.

835. Rates on casing-head gasoline, in tank-car loads, from points in Oklahoma to Roswell, N. Mex., found unreasonable prior to August 6, 1926, but not thereafter. Reparation awarded.

*Milliken Bros. Mfg. Co. v. Pennsylvania R. Co.*, 152 I. C. C. 767.

836. Rate on secondhand iron building material, in carloads, from Elwood, N. J., to Greenville Piers, N. J., for export, found not unreasonable. Complaint dismissed.

*Kennedy Construction Co. v. Alabama G. S. R. Co.*, 152 I. C. C. 769.

837. Carload rate charged on one power shovel from Chattanooga, Tenn., to Avon Park, Fla., found inapplicable. Reparation awarded.

*Dolge Co. v. New York, N. H. & H. R. Co.*, 152 I. C. C. 772.

838. Carload rate on trisodium phosphate, in bulk, in barrels, from Marcus Hook, Pa., to Westport-Saugatuck, Conn., found not unreasonable. Complaint dismissed.

*Tulsa Traffic Asso. v. Atchison, T. & S. F. Ry. Co.*, 152 I. C. C. 775.

839. Carload rates on oil-well supplies, combination wood and steel derricks; iron and steel derricks; wrought-iron and steel pipe or casing; and steel tanks, knocked down; and derricks and rig irons, in mixed carloads, from Tulsa, Okla., to destinations named in Colorado, New Mexico, Wyoming, Montana, and California found not unreasonable or otherwise unlawful.

840. Carload rates on structural steel from Tulsa, Okla., to Denver, Colo., found unreasonable. Reasonable rate prescribed for the future, and reparation awarded.

841. Carload rates on structural steel from Tulsa, Okla., to other destinations in Colorado, and to destinations in New Mexico, Wyoming, Montana, and California found not unreasonable or otherwise unlawful.

842. Carload rates on wooden bull wheels, and arms, cants, and pins from Tulsa, Okla., to destinations in Colorado, and to Casper and Ilco, Wyo., found not unreasonable or otherwise unlawful.

843. Carload rates on wooden bull wheels, and arms, cants, and pins from Tulsa, Okla., to Salt Creek, Wyo., and to destinations in New Mexico, Montana, and California found unreasonable. Reasonable rates prescribed for the future, and reparation awarded.

844. Carload rates on wooden tank material, without iron or steel parts, from Tulsa, Okla., to Farmington, N. Mex., Casper and Ilco, Wyo., and to destinations in Colorado and Montana found not unreasonable or otherwise unlawful.

845. Carload rates on wooden tank material, without iron or steel parts, from Tulsa, Okla., to Artesia, N. Mex., Salt Creek, Wyo., and Los Angeles, Calif., found unreasonable. Reasonable rates prescribed for the future, and reparation awarded.

846. Carload rates on wooden tank material, including iron or steel parts not exceeding 20 per cent of the weight, from Tulsa, Okla., to destinations named in Colorado, New Mexico, Wyoming, Montana, and California found unreasonable. Reasonable rates prescribed for the future, and reparation awarded.

847. Carload rates on rig irons from Tulsa, Okla., to destinations named in Colorado, New Mexico, Wyoming, Montana, and California found unreasonable. Reasonable rates prescribed for the future, and reparation awarded.

*Barker Produce Co. v. Arizona E. R. Co.*, 152 I. C. C. 791.

848. Present rates on bananas and coconuts, in straight and mixed carloads, from Galveston, Tex., and New Orleans, La., to Tucson, Ariz., and from New Orleans to Phoenix, Ariz., found not unreasonable.

849. Rates on like traffic from both ports to Tucson prior to July 15, 1925, and rate from Galveston to Phoenix, found unreasonable.

850. Rate applicable on like traffic from New Orleans to Tucson, July 15, 1925, to October 15, 1927, determined.

851. Reasonable rate from Galveston to Phoenix prescribed and reparation awarded.

*Va. Cellulose Co. v. Norfolk & W. Ry. Co.*, 152 I. C. C. 798.

Upon further consideration:

852. Findings in former report in No. 17138, 129 I. C. C. 297, that cotton-linter rates charged on various carload shipments described as cottonseed-hull fiber or shavings from various points in Georgia, North Carolina, South Carolina, Mississippi, and Alabama, to Hopewell, Va., were applicable, and not unreasonable, reversed.

853. Findings in former report in No. 17809, 129 I. C. C. 75, that rates charged on shipments of cotton linters, in carloads, billed as cottonseed-hull fiber or shavings, not bleached or dyed, from points in Georgia, South Carolina, and Alabama, to destinations in the District of Columbia, Virginia, New York, New Jersey, Pennsylvania, Connecticut, and Louisiana were applicable, and not unduly prejudicial, reversed.

854. Cotton-linter rates charged on carload shipments described as cottonseed-hull fiber or shavings, from points in Texas, Oklahoma, Mississippi, North Carolina, South Carolina, Georgia, Alabama, and Tennessee to points in New York, Maryland, Illinois, New Jersey, Michigan, Ohio, Virginia, and the District of Columbia found inapplicable.

855. Rates on cottonseed-hull fiber or shavings found applicable and reparation awarded.

*Buckwalter Lumber Co. v. Chicago & N. W. Ry. Co.*, 153 I. C. C. 1.

856. Demurrage charges collected for the detention of a carload of lumber at Sheboygan, Wis., found inapplicable in part. Applicable charges found not unreasonable. Refund of overcharge directed and complaint dismissed.

*Benson Paint & Varnish Co. v. Chicago & N. W. Ry. Co.*, 153 I. C. C. 3.

857. Rates on linseed oil, in carloads, from Milwaukee and North Milwaukee, Wis., to Birmingham, Ala., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

858. Fourth-section relief denied.

*St. Anthony & Dakota Elevator Co. v. Chicago, M., St. P. & P. R. Co.*, 153 I. C. C. 7.

859. Demurrage charges collected at Cascade, Iowa, on interstate shipments of lumber, coal, and tile found applicable and not unreasonable. Complaint dismissed.

*Accounting for rebuilding freight cars*, 153 I. C. C. 9.

860. Accounting orders of the commission construed in their application to the rebuilding of certain freight cars of the Chesapeake & Ohio Railway Company.

*Exall & Co. v. Chicago, B. & Q. R. Co.*, 153 I. C. C. 15.

861. Rate charged on bulk apples, in carloads, from Barry, Ill., to Paducah, Ky., found applicable. Complaint dismissed.



*Parker v. Pennsylvania R. Co.*, 153 I. C. C. 17.

862. Rates charged on one traction crane from Ravenna, Ohio, to Tampa, Fla., and on road making machinery, in carloads, from Galion, Ohio, to Fort Myers, Fla., found inapplicable. Reparation awarded.

*Nashville Grain Exch. v. Louisville & N. R. Co.*, 153 I. C. C. 19.

863. Upon further consideration, finding in original report, 144 I. C. C. 667, that through charges on baled hay, in carloads, from central territory and Kansas City, Mo., stopped at Nashville, Tenn., for concentration or storage and reshipped to destinations in southeastern territory, were unreasonable, modified to reflect present rate situation. Supplemental order entered.

*Jackson Traffic Bureau v. Illinois C. R. Co.*, 153 I. C. C. 21.

864. Commodity rates on clean rice, in carloads, from Arkansas and Louisiana producing points to Jackson, Miss., found unreasonable. Reasonable rates prescribed and reparation awarded. Fourth-section relief denied except with respect to rates in connection with the New Orleans Great Northern.

*N. C. State Highway Comm. v. Norfolk & W. Ry. Co.*, 153 I. C. C. 29.

865. Rate on gravel, in carloads, from Puddledock, Va., to Bayboro, N. C., found not unreasonable. Complaint dismissed.

*Boards, binder, box, chip, paper stock, straw, and wood pulp*, 153 I. C. C. 32.

866. Proposed increased rates on binder board, box board, chip board, straw board, wood-pulp board, and paper-stock board, in carloads, from Whippany, N. J., to certain destinations in New England found not justified, but without prejudice to the filing of new schedules eliminating certain proposed fourth-section departures. Suspended schedules ordered canceled and proceeding discontinued.

*Noll v. Chicago, R. I. & P. Ry. Co.*, 153 I. C. C. 35.

867. Basis of charges applicable under the official and western classifications since September 6, 1927, on carload shipments of cabinets permanently combined with radio loud speakers found unreasonable to the extent it exceeds second class, minimum 12,000 pounds. Reparation awarded.

*Automatic train-control devices*, 153 I. C. C. 39.

868. After inspection and test, installation found to be in conformity with plans furnished by the carrier, and installation approved except as noted.

869. Certain features in connection with the requirements and specifications are brought to the carrier's attention for consideration and appropriate action.

*Williams & Sons v. Baltimore & O. R. Co.*, 153 I. C. C. 54.

870. Carload rate charged on mahogany lumber, from Carteret, N. J., to Newport News, Va., found to have been unreasonable. Reparation awarded.

*Booth Lumber Corp. v. Central V. Ry. Co.*, 153 I. C. C. 57.

871. Rates on forest products, in carloads, from points in Canada to destinations in Massachusetts, Connecticut, Rhode Island, and New York, found not to have been unreasonable. Complaint dismissed.

*Okla. Steel Castings Co. v. Chicago, R. I. & P. Ry. Co.*, 153 I. C. C. 59.

872. Carload rate on molding sand from Utica, Ill., to Tulsa, Okla., found not unreasonable. Complaint dismissed.

*Hales & Hunter Co. v. Chicago & A. R. Co.*, 153 I. C. C. 61.

873. Rate charged on a carload shipment of oats from Lenock, N. Dak., to Athens, La., found inapplicable to the extent that the factor assessed from East St. Louis, Ill., exceeded the rate herein found applicable. Refund of overcharge directed. Complaint dismissed.

*Crenshaw Bros. Produce Co. v. Seaboard A. L. Ry. Co.*, 153 I. C. C. 63.

874. Rates charged on fruit hampers, nested, in carloads, from Selma, Ala., to Tampa, Fla., found inapplicable. Reparation awarded.

*Automatic train-control devices*, 153 I. C. C. 66.

875. After inspection and test, installation found to be in conformity with plans furnished by the carrier and installation is approved except as noted.

876. Certain features in connection with the requirements and specifications are brought to the carrier's attention for further consideration and appropriate action.



*Automatic train-control devices*, 153 I. C. C. 73.

877. After inspection and test, installation found to be in conformity with plans furnished by the carrier, and installation approved except as noted.

878. Certain features in connection with the requirements and specifications are brought to the carrier's attention for consideration and appropriate action.

*Automatic train-control devices*, 153 I. C. C. 87.

879. After inspection and test, installation found to be in conformity with plans furnished by the carrier and installation is approved except as noted.

880. Certain features in connection with the requirements and specifications are brought to the carrier's attention for further consideration and appropriate action.

*Geis-White Grain Co. v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 94.

881. Carload rates on wheat and coarse grain from Beaver, Okla., to Ogden, Utah, and certain destinations in California found not unreasonable or otherwise unlawful. Complaint dismissed.

*Security Cement & Lime Co. v. Baltimore & O. R. Co.*, 153 I. C. C. 97.

882. Rates on lime, in carloads, from Martinsburg, Berkeley, and Engle, W. Va., Grove and Lime Kiln, Md., and Stephens City, Va., metropolitan New York found not unduly prejudicial. Complaint dismissed.

*Chicago Mica Co. v. Chicago & E. I. Ry. Co.*, 153 I. C. C. 103.

883. Upon reconsideration finding in former report herein, 142 I. C. C. 286, that the applicable rate on denatured alcohol, in carloads, from Harvey and New Orleans, La., to Valparaiso, Ind., was not unreasonable affirmed. Refund of overcharges directed. Complaint dismissed.

*Norcross Marble Co. v. Baltimore & O. R. Co.*, 153 I. C. C. 105.

884. Sixth-class rate as applied to rough marble, in carloads, from New York, N. Y., to Cleveland, Ohio, found unreasonable prior to February 27, 1923, when commodity rates from New England points, subject to a rule 77 provision, applied via New York Harbor to Cleveland, and not unreasonable or otherwise unlawful on and after that date. Reparation awarded.

*Youngstown Boiler & Tank Co. v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 109.

885. Charges collected on oil-storage steel tanks, U. S. standard gauge No. 0 or thicker, in carloads, from Youngstown, Ohio, to Braman and Covington, Okla., found applicable. Complaint dismissed.

*Whitcomb Co. v. Louisville, H. & St. L. Ry. Co.*, 153 I. C. C. 111.

886. Rates charged on carload shipments of dump cars from Lou'sville, Ky., and rails, splice bars, and bolts from Newberry, Pa., to Mitchell siding, Ill., found unreasonable. Reparation awarded.

*Fraser v. Baltimore & O. R. Co.*, 153 I. C. C. 115.

887. Rates charged on interstate shipments of cottonseed-hull fiber or shavings from points in Mississippi, Alabama, Georgia, and Tennessee to destinations in Florida, Ohio, Connecticut, and eight other States, found inapplicable. Reparation awarded.

*Longhart Supply Co. v. Chicago, R. I. & G. Ry. Co.*, 153 I. C. C. 118.

888. Rate charged on iron pipe or casing, in carloads, from Mangum, Okla., to Ranger, Tex., found not unreasonable.

889. Rate charged on iron pipe, or casing, in carloads, from Graham, Tex., to Ryan, Okla., found unreasonable. Reparation awarded.

*Cancellation of joint through rates*, 153 I. C. C. 121.

890. Proposed elimination of the Alton & Southern Railroad as participating carrier in tariffs naming joint rates on various classes and commodities moving in interstate commerce found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Routing of export grain from Okla.*, 153 I. C. C. 125.

891. Schedules proposing to cancel certain routes in connection with joint export rates on grain and grain products, in carloads, from points on the Kansas City, Mexico & Orient in Oklahoma and Kansas to Louisiana ports found justified, except in so far as they propose the cancellation of the route in con-

nection with the originating line to Clinton, Okla., thence Chicago, Rock Island & Pacific. Proposed cancellation of latter route found not justified. Suspended schedules ordered canceled without prejudices to filing of new schedules conforming to the findings herein.

*Pine Plume Lumber Co. v. Gulf, M. & N. R. Co.*, 153 I. C. C. 127.

892. Shipments of lumber, in carloads, from Blodgett and Piave, Miss., to Monticello, Ark., found misrouted. Reparation awarded.

*Through Routes and Joint Rates*, 153 I. C. C. 129.

893. Certificates of public convenience and necessity granted to the Inland Waterways Corporation.

894. Through routes and joint rates between Inland Waterways Corporation and rail carriers, subject to reasonable limitations, required.

*Fraser, v. Atlantic C. L. R. Co.*, 153 I. C. C. 140.

895. On further hearing, finding in former report, 122 I. C. C. 520, that the rates charged on certain shipments of cotton linters billed as cottonseed-hull fiber or shavings from points in Georgia, Alabama, Tennessee, Mississippi, Arkansas, and Pennsylvania to destinations in New York, Pennsylvania, Maryland, Ohio, and other States were applicable, reversed and reparation awarded.

896. Rates charged on interstate shipments billed as cottonseed-hull fiber or shavings, from points in Georgia, South Carolina, North Carolina, Tennessee, and Mississippi to destinations in Tennessee, Ohio, Pennsylvania, New York, and Connecticut found inapplicable. Reparation awarded.

*Funsten Co. v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 145.

897. Rates on pecans in the shell, in carloads, from certain points in Texas, Oklahoma, Louisiana, and Mississippi to St. Louis, Mo., and Chicago, Ill., found not unreasonable. Complaints dismissed.

*Burley Tobacco Growers Asso. v. Norfolk & W. Ry. Co.*, 153 I. C. C. 149.

898. Rate on carload shipments of unmanufactured leaf tobacco, in hogsheads, from Abingdon, Va., to Lexington, Ky., found to have been unreasonable. Reparation awarded.

*Jackson Brewing Co. v. Alabama G. S. R. Co.*, 153, I. C. C. 151.

899. Rates on beverages, in carloads, from New Orleans, La., to Madison, Tallahassee, and Quincy, Fla., found unreasonable, and in violation of the long- and-short-haul clause of section 4 of the interstate commerce act. Rates on returned empty beverage bottles, in carloads, from Madison, Tallahassee, and Quincy to New Orleans found unreasonable. Reparation awarded and reasonable rates for the future prescribed.

*Joyce-Pruit Co. v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 156.

900. Class rates from certain points in the States of Wyoming, Colorado, Oklahoma, and Texas and from points in territories east thereof to certain destinations in New Mexico, found unreasonable but not otherwise unlawful. Reasonable rates prescribed for the future.

*Concentration of cotton at Little Rock*, 153, I. C. C. 163.

901. Proposed increase in arbitraries to be added to rates from Little Rock, Ark., in computing through rates on cotton and cotton linters shipped uncompressed from Arkadelphia and certain other points in Arkansas south thereof to Little Rock, there compressed and reshipped to points beyond, found justified. Order of suspension vacated and proceeding discontinued.

*Providence Fruit & Produce Exch. v. New York, N. H. & H. R. Co.*, 153 I. C. C. 168.

902. Following *Joint Council of Int. A. S. Asso. v. New York, N. H. & H. R. Co.*, 152 I. C. C. 158, found that the tariff provision covering icing and re-icing of perishable freight at Providence is unlawful under section 6; that the charges assessed were not unjustly discriminatory or unduly prejudicial; and that the record affords no basis for a finding as to what would have been or would be reasonable charges for such icing and re-icing services. Record held open.



*International Paper Co. v. Alabama & V. Ry. Co.*, 153 I. C. C. 171.

903. Rates on plain wrapping paper, paper bags, and bulpboard, not corrugated, in carloads, from Bastrop and West Monroe, La., to destinations in southern territory found not unreasonable, but unduly prejudicial. Undue prejudice ordered removed. Reparation denied.

904. Rates on pulpboard and fiber board, not corrugated, in carloads, from New Iberia, La., to Atlanta, Ga., Birmingham, Ala., and Nashville, Tenn., found not unreasonable. Complaints dismissed.

905. Reparation denied on five carloads of wrapping paper from Bastrop, La., to Jackson, Miss., which moved prior to a reduction in rates. Waiver of undercharges directed. Complaint dismissed.

*Carman Distributing Co. v. Chicago & N. W. Ry. Co.*, 153 I. C. C. 182.

906. Rates on dry bleach (chloride of lime), in straight carloads and in mixed carloads with caustic soda, from Wyandotte, Mich., and Chicago, Ill., to Omaha, Nebr., found unreasonable, but not unduly prejudicial. Reasonable rates prescribed for the future and reparation awarded.

*Stein Co. v. Gulf, C. & S. F. Ry. Co.*, 153 I. C. C. 185.

907. Rates charged on one carload of watermelons shipped from Bellville, Tex., to South Hibbing, Minn., found inapplicable. Reparation awarded.

*Peabody Lumber Co. v. New York, C. & St. L. R. Co.*, 153 I. C. C. 187.

908. Rates on piling, in carloads, from points in Indiana to Cleveland and Brewster shops, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Armstrong Cork Co. v. Pennsylvania R. Co.*, 153 I. C. C. 189.

909. Rates on linoleum, felt-base floor covering, and similar articles, in carloads, from Philadelphia, Pa., and other manufacturing points to destinations in southern and western territories found unreasonable. Reasonable rating prescribed.

910. Rates on the same commodities, in carloads, in official territory and on oilcloth, in carloads, in all territories found not unreasonable.

911. Transcontinental rates on linoleum, felt-base floor covering, carpet lining, and oilcloth, in carloads, from points in Pennsylvania, New Jersey, New York, Maryland, and Illinois to Pacific coast points found not unreasonable or otherwise unlawful.

*Columbus Packing Co. v. Norfolk & W. Ry. Co.*, 153 I. C. C. 206.

912. Failure of defendant to permit stop-off for partial unloading of carload shipments of fresh meat and packing-house products at points on its lines in central and southern territories found not unreasonable. Complaint dismissed.

*Fredonia Linseed Oil Works Co. v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 209.

913. Carload rates on linseed oil from Fredonia, Kans., to destinations in Arizona, California, and New Mexico found unreasonable. Reasonable rates for the future prescribed and reparation awarded.

*North Dakota v. Northern P. Ry. Co.*, 153 I. C. C. 215.

914. Rates charged on wheat products milled in transit at, or shipped locally from, Grand Forks, N. Dak., in straight or mixed carloads, to points in North Dakota over a route through Minnesota, found generally applicable and not unreasonable, but in certain instances in violation of the fourth section. Refund of overcharges on specified shipments directed.

915. Rates and charges exacted on shipments of wheat products milled in transit at Grand Forks, N. Dak., and Little Falls, Minn., and shipped to points in Minnesota, Wisconsin, and east thereof, found applicable and not unreasonable. Complaints dismissed.

*Schmoll, Stiles, Reid v. Pacific E. Ry. Co.*, 153 I. C. C. 223.

916. Claim for reparation on two shipments of crude rubber, in carloads, from Compton, Calif., to Akron, Ohio, found barred by the statute of limitations. Present rate found not unreasonable. Complaint dismissed.

*Miner Lumber Co. v. Pennsylvania R. Co.*, 153 I. C. C. 225.

917. Carload rate on rough lumber from Warsaw and Pierceton, Ind., to Medina, Ohio, found not unreasonable or otherwise unlawful. Complaint dismissed.



*Andrae & Sons Co. v. Chicago, M. & St. P. Ry. Co.*, 153 I. C. C. 227.

918. Rates charged on dry-cell batteries, in carloads and less than carloads, from Madison, Wis., to Mason City, Iowa, prior to September 15, 1927, found inapplicable. Refund of overcharges directed. Complaint dismissed.

*Hord Grain Co. v. Chicago, B. & Q. R. Co.*, 153 I. C. C. 230.

919. Rates applicable on corn, in carloads, from certain points in Nebraska, treated in transit at Aurora, Neb., and forwarded to Chugwater, Wheatland, and Uva, Wyo., found unreasonable. Waiver of collection of the outstanding undercharges authorized, and complaint dismissed.

*Jackson Traffic Bureau v. Chicago, M., St. P. & P. R. Co.*, 153 I. C. C. 233.

920. Defendants' failure to establish rail-barge-rail rates on paper and paper articles, in carloads, from points in Wisconsin and Minnesota to Jackson, Miss., found not unreasonable but unduly prejudicial. Nonprejudicial basis prescribed.

*Barker Bros. v. Pennsylvania R. Co.*, 153 I. C. C. 236.

921. Charges collected on four mixed carloads of steel filing cabinets, wooden filing cabinets, and filing supplies from Muskegon, Mich., to Los Angeles, Calif., not shown to have been inapplicable or unreasonable. Complaint dismissed.

*Nordman v. Aberdeen & R. R. Co.*, 153 I. C. C. 239.

922. Rating and rates on cheese, in carloads, from all points in Wisconsin to all points throughout the United States, and the rates from Chicago, Ill., to the Southwest and from Pine Island, Minn., to Kansas City, Mo., found unreasonable for the future. Reasonable ratings and rates for the future prescribed.

923. Rating and rates on cheese, in less than carload, from all points in Wisconsin to all points throughout the United States found not unreasonable.

924. Rates on cheese, in carloads, from all points in Wisconsin and Pine Island, Minn., to Kansas City, Mo., assailed in No. 18281 found not unreasonable in the past.

*Boyce Co. v. St. Louis, B. & M. R. Co.*, 153 I. C. C. 267.

925. Complaint alleging violation of sections 1, 2, and 3 of the act, and praying for an award of reparation by reason of improper weights assessed on carload shipments of root vegetables dismissed because of inadequate proof.

926. Defendant should make prompt refund of overcharges on all shipments where freight charges were assessed on weights in excess of those provided for in the published tariffs.

*Nelson Mfg. Co. v. Missouri P. R. Co.*, 153 I. C. C. 272.

927. Mixed-carload shipment of plumbers goods from Noblesville, Ind., to Pueblo, Colo., found overcharged. Reparation awarded.

928. On mixed carloads consisting in whole or in part of articles subject to rule 34 of the consolidated classification, but treated for rate purposes under rule 10 as two separate carloads, found, that the minimum weight for each separate carload is that fixed for a 36-foot car, regardless of length of car actually used.

929. Rule 10 of consolidated classification, providing for collection of charges on mixed-carload shipments, in certain instances, as for a carload of one or more of the articles included, subject to the minimum weight therefor, and less than a carload of the remaining article or articles, found not unreasonable.

*Globe Grain & Milling Co. v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 277.

930. Rate of dried beans, in carloads, from Hughson, Calif., to Greeley, Colo., found unreasonable. Reparation awarded.

*Northwestern Terra Cotta Co. v. Chicago, B. & Q. R. Co.*, 153 I. C. C. 279.

931. Rate on petroleum fuel oil, in tank-car loads, from Casper, Wyo., to Denver, Colo., found not unreasonable.

932. Rate on like traffic from Parco Wyo., to Denver found unreasonable. Reasonable rate prescribed and reparation awarded.

*Du Pont De Nemours & Co. v. Mississippi-W. S.*, 153 I. C. C. 283.

933. Rates charged on nitrate of soda, in carloads, from New Orleans, La., to Moor and Keokuk, Iowa, and Ashburn Mo., found applicable, but unreasonable. Reasonable rates prescribed for the future and reparation awarded.

934. Reconsignment charges collected on certain shipments to Keokuk, reconsigned without authority or need therefor, found inapplicable. Refund of overcharges directed.

*Lone Star Gas Co. v. Atchison, T. & S. F. Ry. Co.*, 151 I. C. C. 287.

935. Rates on internal-combustion engines, compressors, and parts thereof, in carloads, from Cudahy, Wis., and certain points in official territory to destinations in Kansas, Arkansas, Oklahoma, and Texas found not unreasonable.

936. Rates on like traffic from Grove City, Pa., to Artesia, N. Mex., found not unreasonable in the past, but unreasonable for the future. Reasonable basis prescribed for the future.

937. Rates on like traffic on interstate shipments between points in Kansas, Arkansas, Oklahoma, and Texas found unreasonable. Reparation awarded.

*Carolina Bagging Co. v. Seaboard A. L. Ry. Co.*, 153 I. C. C. 299.

938. Rates on bagging, and on ties, in carloads, from Henderson, N. C., to Galveston, Houston, and certain other points in Texas, found not unreasonable. Complaint dismissed.

*Hawkins v. Western P. R. Co.*, 153 I. C. C. 301.

939. Carload rate on potatoes from Rupert, Idaho, to Sacramento, Calif., found not unreasonable or otherwise unlawful. Complaint dismissed.

*National Iron Co. v. Cape G. N. Ry. Co.*, 153 I. C. C. 303.

940. Rate charged on scrap iron, in carloads, from Perryville, Mo., to East St. Louis, Ill., found applicable and not shown to have been unreasonable or otherwise unlawful. Complaint dismissed.

*American Glue Co. v. Pennsylvania R. Co.*, 153 I. C. C. 305.

941. Rate on tannery fleshings, in carloads, from Durbin, W. Va., to Springdale, Pa., found unreasonable but not otherwise unlawful. Reasonable rates prescribed for the future and reparation awarded.

*Arnold Fruit Co. v. Baltimore & O. R. Co.*, 153 I. C. C. 308.

942. Rates on apples, in packages, in carloads, from points in West Virginia, Maryland, Virginia, Delaware, and Pennsylvania to Jacksonville, West Palm Beach, Miami, and Tampa, Fla., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Gross & Co. v. New York, N. H. & H. R. Co.*, 153 I. C. C. 311.

943. Carload rates on scrap brass from Hartford, Conn., to New York, N. Y., and points within the lighterage limits of New York Harbor found not to have been unreasonable prior to July 6, 1927, but unreasonable thereafter. Rates prescribed for the future and reparation awarded.

*Northwestern Leather Co. Trust v. Central of G. Ry. Co.*, 153 I. C. C. 314.

944. Rate applicable on green-salted hides, in carloads, from Dothan, Ala., to Portville, N. Y., found unreasonable. Reparation awarded.

*Bash & Sons v. Central I. Ry. Co.*, 153 I. C. C. 317.

945. Rates on bituminous coal, in carloads, from the Brazil-Clinton and Linton-Sullivan groups in Indiana to certain Illinois destinations, found unreasonable. Reasonable rates prescribed.

*Bakelite Corp. v. Baltimore & O. R. Co.*, 153 I. C. C. 323.

946. Shipments, in tank-car loads and in drums in carloads, from Painesville, Ohio, to Chicago, Ill., and Perth Abbot and Bloomfield, N. J., found to have been crude carboic acid (phenol) and to have been overcharged. Refund of overcharges directed. Complaint dismissed.

*Polito & Moscrey Co. v. Chicago & N. W. Ry. Co.*, 153 I. C. C. 327.

947. Rates on bananas, in straight carloads, and in mixed carloads with coconuts, from New Orleans, La., Mobile, Ala., and Gulfport, Miss., to Omaha, Nebr., and Council Bluffs, Iowa, found not unreasonable but unduly prejudicial to Omaha and Council Bluffs and unduly preferential of Des Moines, Iowa. Nonprejudicial relationship prescribed. Reparation and fourth-section relief denied.

*Alphons Custodis C. C. Co. v. Atlantic C. L. R. Co.*, 153 I. C. C. 333.

948. Rate charged on radial chimney brick, in carloads, from Oak Hill, Ohio, to Rocky Mount, N. C., found applicable. Complaint dismissed.



*Holloway & Co. v. Atlanta, B. & A. Ry. Co.*, 153 I. C. C. 335.

949. Rates and charges assailed on oranges and grapefruit, in bulk, in carloads, from points in Florida to Atlanta, Ga., found not to have been unreasonable and no special damage proven from the alleged unjust discrimination and undue prejudice. Reparation denied and complaint dismissed.

*Chase & Co. v. Atlantic C. L. R. Co.*, 153 I. C. C. 339.

950. Upon argument weights and charges assessed on citrus fruit, in bulk, in carloads, from points in Florida to certain interstate destinations in the United States found not to have been unreasonable and no special damage proven from the alleged unjust discrimination and undue prejudice. Reparation denied and complaint dismissed. Former report 140 I. C. C. 137.

*Simms Oil Co. v. Texas & P. Ry. Co.*, 153 I. C. C. 341.

951. Rate charged on boilers, in carloads, from Wortham, Tex., to Norphlet, Ark., found not unreasonable. Complaint dismissed.

*Reliance Co. v. Houston & T. C. R. Co.*, 153 I. C. C. 343.

952. Rates on secondhand drilling machinery, in carloads, from Wortham, Tex., to Norphlet, Ark., and on oil-well machinery, in carloads, from Archer City and Holliday, Tex., to Norphlet, Ark., found unreasonable in those instances in which they exceed certain fixed percentages, for single-line and joint-line hauls, respectively, of the southwestern distance scale of first-class rates prescribed in the recent southwestern revision. Reparation awarded.

*Menominee Chamber of Commerce v. Chicago & N. W. Ry. Co.*, 153 I. C. C. 347.

953. Rates on hardware and articles taking the same rates, in less than carloads, from Menominee, Mich., and Green Bay, Wis., to destinations in the Upper Peninsula of Michigan, found not unreasonable, but unduly prejudicial. Undue prejudice ordered removed.

*Bradford Rig & Reel Co. v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 355.

954. Rates on rig irons, in carloads, from Iola, Kans., to destinations in Arkansas, Oklahoma, Texas, and Louisiana, since January 15, 1925, found unreasonable in those instances in which they exceeded certain fixed percentages, for single-line and joint-line hauls, respectively, of the southwestern distance scale of first-class rates prescribed in the southwestern revision. Reparation awarded.

*Palmisano v. Baltimore & O. R. Co.*, 153 I. C. C. 360.

955. Rate charged on a carload of potatoes from Camden, N. C., to Wapakoneta, Ohio, found unreasonable and unduly prejudicial, but not otherwise unlawful. Reasonable rate prescribed and reparation awarded.

*Petroleum and its products from points in Wyoming*, 153 I. C. C. 363.

956. Proposed revision consisting generally of reductions in rates on petroleum and its products taking the same basis from Casper, Wyo., and related originating points in Wyoming to destinations in South Dakota, North Dakota, Minnesota, Montana, Nebraska, and Iowa found unlawful. Suspended schedules required to be canceled and proceeding discontinued.

*Ark. R. Comm. v. Ann A. R. Co.*, 153 I. C. C. 371.

957. Rates on strawberries and grapes, in carloads, from points in Arkansas and Missouri to destinations in central, Illinois, and western trunk-line territories found not unreasonable, except that to destinations in North and South Dakota rates found unreasonable for the future. Reasonable rates to such destinations prescribed. Complaints in Nos. 18986 and 19628 dismissed.

*Keokuk Chamber of Commerce v. Chicago, B. & Q. R. Co.*, 153 I. C. C. 382.

958. Rates on sand and gravel, in carloads, from Quincy, Ill., to points on the Chicago, Burlington & Quincy in southeastern Iowa found unreasonable. Reasonable rates prescribed for the future.

*Fee v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 387.

959. Carload rates on lettuce from Antonito and Edwards, Colo., to Roswell, N. Mex., found unreasonable. Reparation awarded and reasonable rates prescribed for the future.



*Parkersburg Rig & Reel Co. v. Southern P. Co.*, 153 I. C. C. 391.

960. Rates on fabricated-steel tank material, knocked down, in carloads, from Liberty, High Island, Boling, Luling, and Richland, Tex., to West Lake, La., found unreasonable. Reparation awarded.

*Yates Grocery Co. v. Seaboard A. L. Ry. Co.*, 153 I. C. C. 397.

961. Rates on fresh fruits and vegetables, in straight or mixed carloads, from producing points in New York and Virginia to Tallahassee, Fla., found not unreasonable but unduly prejudicial. Nonprejudicial rates prescribed for the future.

*Montgomery Cotton Exch. v. Louisville & N. R. Co.*, 153 I. C. C. 402.

962. Reparation awarded on shipments of cotton, in any quantity, from points in Alabama to Montgomery, Ala., there concentrated and reshipped to Mobile, Ala., and New Orleans, La., for export. Original reports 112 I. C. C. 325, and 118 I. C. C. 156.

*Staley Mfg. Co. v. Texas & N. O. R. Co.*, 153 I. C. C. 405.

963. Rate on common salt, in carloads, from Weeks, La., to Decatur, Ill., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Kern & Co. v. Mobile & O. R. Co.*, 153 I. C. C. 407.

964. Rate charged on a carload of fresh peaches from Alto Pass, Ill., to New Orleans, La., found unreasonable. Reparation awarded.

*Coal and coke from points in Okla., and Ark.*, 153 I. C. C. 409.

965. Upon consideration of applications for authority to continue and to establish rates for the transportation of coal and coke from points in Arkansas and Oklahoma to destinations in Texas lower than to intermediate points: Authority granted to the extent and subject to conditions set forth in the report, and in all other instances denied.

*Humble Oil & Refining Co. v. Chicago, R. I. & G. Ry. Co.*, 153 I. C. C. 413.

966. Upon further consideration, finding in former report, 136 I. C. C. 324, that the rates on wrought-iron and steel pipe, in carloads, from Graham, Breckenridge, Mexia, and Navarro, Tex., to Wilson, Okla., and from Bass, Tex., to Healdton, Okla., were not unreasonable prior to November 27, 1923, but were unreasonable on and since that date, modified as to the period within which the rates were unreasonable, as well as the bases to which reparation was awarded. Reparation awarded to modified bases.

*Peabody Lumber Co. v. Pennsylvania R. Co.*, 153 I. C. C. 418.

967. Rates on rough lumber, in carloads, from Columbia City, Ind., to Buffalo, N. Y., and from Columbia City and Bourbon, Ind., to Belding, Mich., found not unreasonable or otherwise unlawful. Rate on rough lumber from Columbia City to North Tonawanda, N. Y., found unjust and unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*Tidal Oil Co. v. Chicago, R. I. & G. Ry. Co.*, 153 I. C. C. 421.

968. Rates charged on wrought-iron and steel pipe, pipe fittings, and steel tanks, knocked down, in carloads, from and to points in Louisiana, Arkansas, Oklahoma, Texas, and Kansas found unreasonable. Reparation awarded.

*American Agr. Chem. Co. v. Abilene & S. Ry. Co.*, 153 I. C. C. 427.

969. Upon argument, finding in former report, 144 I. C. C. 5, that the rates charged on fertilizer and fertilizer compounds, in carloads, from East St. Louis, Ill., to certain points in northeastern Texas were not unreasonable, reversed. Reparation awarded.

*North American Cement Corp. v. Aberdeen & R. R. Co.*, 153 I. C. C. 431.

970. Rates on lime and ground limestone, in carloads, from Martinsburg and Berkeley, W. Va., to destinations in Virginia found unreasonable and unduly prejudicial. Reasonable rates prescribed and undue prejudice ordered removed.

*Continental Paper & Bag Mills Corp. v. Atlantic C. R. Co.*, 153 I. C. C. 444.

971. Rate charged on paper bags in straight carloads, and in mixed carloads with wrapping paper, from Rumford, Me., to Newark, N. J., Philadelphia and Harrisburg, Pa., found applicable and not unreasonable or unduly prejudicial. Complaint dismissed.

*Pepin Pickling Co. v. Chicago & N. W. Ry. Co.*, 153 I. C. C. 449.

972. Rates on carload of pickles in brine, in casks, from Rice Lake, Wis., to Winona, Minn., found unreasonable. Reparation awarded.

*Rock Asphalt Co. v. Louisville & N. R. Co.*, 153 I. C. C. 451.

973. Rate charged on one steam shovel shipped from Centertown, Ky., to Evansville, Ind., found inapplicable. Reparation awarded.

*United Paperboard Co. v. Baltimore & O. R. Co.*, 153 I. C. C. 453.

974. Rates on imported wood pulp, in carloads, from Baltimore Md., and New York, N. Y., to Wabash, Ind., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complainant not shown to have been damaged by the fourth-section violations. Complaints dismissed.

*U. S. Phosphoric Products Corp. v. Butte, A. & P. Ry. Co.*, 153 I. C. C. 459.

975. Rates on acid phosphate, in carloads, from producing points in South Carolina, Florida, and Tennessee to destinations in Illinois, Indiana, Ohio, and Michigan found unreasonable. Reasonable rates prescribed.

976. Relationship of such rates and those from various points in central territory to the corresponding rates from Anaconda, Mont., to the same destinations not shown to be unduly prejudicial or preferential.

*Carey Fibre Products Co. v. Missouri P. R. Co.*, 153 I. C. C. 467.

977. Rate charged on five carloads of strawboard from Hutchinson, Kans., to Dallas, Tex., found not unreasonable. Complaint dismissed.

*Procter & Gamble Co. v. Baltimore & O. R. Co.*, 153 I. C. C. 469.

978. Rate on silica sand, in carloads, from the Ottawa district in Illinois to Cincinnati, Ohio, found unreasonable. Reasonable rates prescribed for the future.

*Barrett Co. v. Erie R. Co.*, 153 I. C. C. 474.

979. Rates charged on shipments of coal tar and oil tar, in tank-car loads, from Paterson and Millville, N. J., to stations in Philadelphia, Pa., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Ozark Cider & Vinegar Co. v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 477.

980. Rate on vinegar, in carloads, from Rogers, Ark., to Chanute and Iola, Kans., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Northwest Engineering Co. v. Seaboard A. L. Ry. Co.*, 153 I. C. C. 480.

981. Rates charged on one excavating machine and parts thereof from Tampa, Fla., to Key West, Fla., for export, and on road rollers, in carloads, from Frankford, N. Y., to Tampa, found inapplicable. Reparation awarded.

*Petroleum and Petroleum Products from Okla.*, 153 I. C. C. 483.

982. Proposed increase in export and coastwise rates on petroleum and petroleum products, in carloads, from specified origins in Oklahoma to Texas and Louisiana ports not served directly by the Santa Fe system lines and cancellation of the existing routes over the St. Louis-San Francisco and Chicago, Rock Island & Pacific found justified. Order of suspension vacated and proceeding discontinued.

*Boyle American Potato Co. v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 489.

983. Rates on potatoes, cabbage, turnips, and tomatoes, in carloads, from Kansas, Missouri, Oklahoma, and Arkansas origins to destinations in Oklahoma and Texas found unreasonable. Reparation awarded.

*All Metal Snow Fence Co. v. Ahnapee & W. Ry. Co.*, 153 I. C. C. 501.

984. Class rates from Chicago, Ill., St. Louis, Mo., and points taking the same rates, to Sioux Falls, S. Dak., found not unreasonable, but unduly prejudicial. Nonprejudicial basis of rates prescribed. Reparation denied.

*Miami Laundry Co. v. Florida E. C. Ry. Co.*, 153 I. C. C. 506.

985. Rates charged on machinery and machines, and parts thereof, from points of origin in central territory to destinations in Florida south of Jacksonville found inapplicable. Reparation awarded.

*Chesapeake & O. Ry. Co. v. Atlantic C. R. Co.*, 153 I. C. C. 511.

986. Complainants' divisions of the joint rates on prepared sizes if bituminous coal, in carloads, from mines in Virginia, West Virginia, and Kentucky served



by the Chesapeake & Ohio, Norfolk & Western, and Virginian Railway Companies and the Kanawha, Glen Jean & Eastern, Kanawha Central, Greenbrier & Eastern, Sewell Valley, Winifrede, and Kanawha & Michigan Railroad Companies to certain destinations in trunk-line and New England territories found unreasonable, unjust, and inequitable. Divisions prescribed.

987. Cross-complainant's divisions not shown to be unreasonably low. Divisions prescribed for New York, New Haven & Hartford and Central New England Railroad Companies and Western Maryland Railway Company.

988. Retroactive adjustment ordered of charges collected on such shipments moving since February 8, 1926, under the joint rates prescribed in 101 I. C. C. 363, and in 104 I. C. C. 341 on basis of the divisions prescribed herein.

989. Cross-complaint of the Kanawha & Michigan dismissed.

*Woodward & Son v. Southern Ry. Co.*, 153 I. C. C. 575.

990. Upon reconsideration, found that the movement of one carload of gum lumber from Maiden, N. C., to Liberty, N. C., previously shipped from Kingville, S. C., to Maiden, was intrastate. Complaint dismissed for lack of jurisdiction. Finding in 146 I. C. C. 583, modified as herein indicated.

*San Diego Chamber of Commerce v. Aberdeen & R. R. Co.*, 153 I. C. C. 577.

991. Round-trip all-year tourist and summer-excursion transcontinental passenger fares via San Diego, Calif., in connection with certain diverse route tickets to or from San Francisco, Calif., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

*Jersey Cereal Co. v. Pennsylvania R. Co.*, 153 I. C. C. 589.

992. Rates charged on Corn Flakes, in packages, in carloads, from Cereal, Pa., to Birmingham, Ala., Atlanta and Rome, Ga., Chattanooga and Knoxville, Tenn., and Greenville, S. C., found not unreasonable. Complaint dismissed.

*Zaring & Co. v. Chicago, M., St. P. & P. R. Co.*, 153 I. C. C. 591.

993. Rates on evaporated milk, in carloads, from Merrill, Wis., to Jacksonville, Miami, and West Palm Beach, Fla., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Absorption of Reciprocal Switching Charges*, 153 I. C. C. 595.

994. Proposed change with respect to absorption of reciprocal switching charge of the Chicago & Eastern Illinois at Evansville, Ind., on carload traffic to and from the territory described herein found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Roddenberry v. Atlantic C. L. R. Co.*, 153 I. C. C. 598.

995. Rates on corn sirup (glucose), in carloads, from points in Indiana, Illinois, Iowa, Kentucky, and Missouri to Cairo, Ga., found unreasonable. Reasonable rates prescribed. Reparation awarded.

*S. Ga. Traff. Bureau v. Atlanta, B. & C. R. Co.*, 153 I. C. C. 601.

996. Rates charged on sweet potatoes, in carloads, from Tifton, Ga., to Miami, Fla., found inapplicable. Applicable rate found unreasonable and reparation awarded.

*Brown Roberts Hardware & Supply Co. v. Alabama G. S. R. Co.*, 153 I. C. C. 603.

997. Rates on farm wagons, in carloads, from Chattanooga, Tenn., to Alexandria, La., and on stoves, in carloads, from Rome, Ga., to Alexandria, found not to have been unreasonable. Complaint dismissed.

*Pressburg v. Gulf C. & S. F. Ry. Co.*, 153 I. C. C. 605.

998. Rates on horses and mules, in carloads, from North Fort Worth, Tex., to Opelousas, La., found not unreasonable. Complaint dismissed.

*Strauss & Adler v. New York C. R. Co.*, 153 I. C. C. 609.

Upon complaint assailing as unreasonable and illegal certain so-called service charges collected in connection with unloading and reloading of ordinary livestock stopped en route at Pittsburgh, Pa., and East Buffalo, N. Y., for feed, water and rest, and plea to jurisdiction and motion to dismiss for lack of jurisdiction, found:

999. That the Interstate Commerce Commission has jurisdiction to pass upon legality and reasonableness of such service charges.



1000. That service charges collected by Pennsylvania Railroad for account of Pitsburgh Union Stock Yards Company and by New York Central Railroad for account of Buffalo Stock Yards, were in violation of paragraph (1) of section 6 of interstate commerce act. Proceeding held open for further hearing to afford carriers opportunity to justify charges collected.

*Bakelite Corp. v. Erie R. Co.*, 153 I. C. C. 620.

1001. Rates on wood flour, in carloads, from New York, N. Y., and New York Harbor points, and from North Tonawanda, N. Y., to Chicago, Ill., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Southern Cresoating Industrics v. Alabama G. S. R. Co.*, 153 I. C. C. 625.

1002. Transit charge of 2.5 cents per 100 pounds on lumber, piles, crossties, and other forest products from various points in the Southeast stopped in transit at points in Alabama, Florida, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, and Virginia for cresoating, and reforwarded to various interstate destinations, found not unreasonable. Complaint dismissed.

*International Agr. Corp. v. Illinois C. R. Co.* 153 I. C. C. 637.

1003. Rate charged on peat humus, in carloads, from Manito, Ill., to Montgomery, A. a., found not unreasonable. Rates to Florence and Union Springs, A. a., found unreasonable. Reasonable rates to Florence and Union Springs prescribed for the future and reparation awarded on certain shipments to Union Springs.

*Great Western Oil Co. v. Chicago & N. W. Ry. Co.*, 153 I. C. C. 641.

1004. Rates on gasoline, in carloads, from Casper, Wyo., to Indianapolis, Ind., found applicable. Complaint dismissed.

*Kraft Cheese Co. v. Chicago & N. W. Ry. Co.*, 153 I. C. C. 643.

1005. Rates charged on plain and printed tinfoil, shipped in mixed carloads with other cheese-factory supplies, from Chicago, Ill., to Pocatello, Idaho, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Zaring & Co. v. Florida E. C. Ry. Co.*, 153 I. C. C. 647.

1006. Rates on canned goods, in carloads, from northern points to West Palm Beach, Fla., found to have been unreasonable, but not otherwise unlawful. Reparation awarded.

*Ritter Hardwood Lumber Co. v. Norfolk & W. Ry. Co.*, 153 I. C. C. 651.

1007. Rates charged on lumber, in carloads, from Doran, Va., Sandy Huff, W. Va., and Hardy, Ky., to various points in Ohio and West Virginia found to have been unreasonable but not otherwise unlawful. Reparation awarded.

*Procter & Gamble Co. v. Alabama & V. Ry. Co.*, 153 I. C. C. 655.

1003. Upon reconsideration certain rates on resin, in carloads, from points in the South and Southeast to Hamilton, Ontario, Canada, which permit storing and grading at Latonia, Ky., but not at Ivorydale, Ohio, and other intermediate points, found not to be in violation of section 4. Finding in 129 I. C. C. 385 reversed. Former reports 112 I. C. C. 381 and 129 I. C. C. 385.

*Petroleum and petroleum products from the South*, 153 I. C. C. 666.

1009. Proposed restriction of proportional rates on petroleum and petroleum products, in carloads, from lower Mississippi Valley origins to Ohio River crossings, St. Louis, Mo., and East St. Louis, Ill., now applicable for beyond without limitation, so as to confine their application to the territory north of the Ohio River as described in the suspended tariffs, found justified.

1010. Proposed increased rates on petroleum and petroleum products from the same points in Kentucky found justified to destinations on the Louisville, Henderson & St. Louis Railway but not justified to destinations on the Chesapeake & Ohio Railway.

1011. Suspended schedules ordered canceled without prejudice to the filing of schedules in conformity with the views herein expressed.

*Justice Co. v. Holton I. Ry. Co.*, 153 I. C. C. 673.

1012. Rates charged on baled hay, in carloads, from Yuma and Araby, Ariz., and from numerous points in California to San Diego, Calif., Lakes de, Calif., and related points over a route through Mexico, with certain exceptions, found not unreasonable. Complainants not shown to have been damaged by the alleged undue prejudice.

1013. Rates charged on similar traffic from El Centro, Calif., and prior to May 7, 1927, from Holtville, Fondo, Westmorland, Moss, Orita, Curlew, and Sandia, Calif., to San Diego and related points, and from Campo, Holtville, Fondo, Westmoreland, Moss, Orita, Curlew, and Sandia, Calif., and Araby, Ariz., to Lakeside and related points found unreasonable. Reparation awarded.

*Glidden Co. v. Akron C. & Y. Ry. Co.*, 153 I. C. C. 684.

1014. Ratings on lacquer in official, southern, and western classifications found applicable to opaque lacquer and not unduly prejudicial or preferential, but the maintenance of different ratings on opaque lacquer than on liquid or paste paint found unreasonable. Parity in ratings prescribed. Reparation denied.

*Grain, grain products, and related articles from Okla.*, 153 I. C. C. 689.

1015. Proposed cancellation of route maintained via Clinton, Okla., thence Chicago, Rock Island & Pacific to Little Rock, Ark., and Missouri Pacific, in connection with joint rates on grain, grain products, and articles taking the same rates, in carloads, from points on the Kansas City, Mexico & Orient in Kansas and Oklahoma to points in Louisiana on the Louisiana & Arkansas, found justified. Order of suspension vacated and proceeding discontinued.

*Dodge County Lumber Co. v. Seaboard A. L. Ry. Co.*, 153 I. C. C. 693.

1016. Rates on crossties, in carloads, from origins on the East Carolina division of the Seaboard Air Line in South Carolina, north of and including Andrews and from Blaney, S. C., to Charleston, S. C., for movement by water beyond to interstate destinations, found applicable and not unreasonable.

1017. Rates charged on shipments of crossties, in carloads, from Kirby and Jamestown, S. C., to Charleston, S. C., for movement by water beyond to interstate destinations, found inapplicable. Refund of overcharges directed. Complaints dismissed.

*Burley Tobacco Growers Asso. v. Chesapeake & O. Ry. Co.*, 153 I. C. C. 699.

1018. Four carload shipments of unmanufactured tobacco from Winchester, Ky., to St. Louis, Mo., found to have been misrouted. Rate on one carload of the same commodity between the same points found unreasonable. Reparation awarded.

*Federal-Brandes v. Erie R. Co.*, 153 I. C. C. 705.

1019. Aggregate charges on a shipment of radio receiving sets and loud speakers from Newark, N. J., to Los Angeles, Calif., found unreasonable. Reparation awarded.

*Washington Dehydrated Food Co. v. Northern P. Ry. Co.*, 153 I. C. C. 707.

1020. Rates and minimum weights on dried fruit, in carloads, from Yakima and Wenatchee, Wash., to transcontinental Groups J to D, inclusive, also to points in Montana, North Dakota, and South Dakota. and to Portland, Oreg., Seattle and Tacoma, Wash., for movement beyond by water, found not unreasonable, unduly prejudicial, or otherwise unlawful. Complaints dismissed.

*Allied Packers v. Baltimore & O. R. Co.*, 153 I. C. C. 714.

1021. Rates charged on live hogs in single-deck and double-deck cars, in carloads, from points in Nebraska and South Dakota to Buffalo, N. Y., Detroit, Mich., and Wheeling, W. Va., found overcharged. Reparation awarded.

*American Distilling Co. v. Akron, C. & Y. Ry. Co.*, 153 I. C. C. 717.

1022. Finding in the original report, 140 I. C. C. 633, with respect to undue prejudice resulting from the differences in rates on denatured alcohol, in carloads, from Pekin, Ill. and New Orleans, La., to destinations in central territory, modified to the extent indicated herein.

*River Raisin Paper Co. v. Chicago, B. & Q. R. Co.*, 153 I. C. C. 721.

1023. Rates on silica sand, in carloads, from the Ottawa, Ill., district, to points in Indiana, Ohio, and Michigan, found unreasonable. Reasonable rates prescribed for the future. Previous finding in No. 17060, 115 I. C. C. 322, reversed.

*S. Ga. Traff. Bureau v. Florida E. C. Ry. Co.*, 153 I. C. C. 725.

1024. Rates charged on cabbage, in carloads, from Dayton, Tenn., and Louisville, Ky., to Miami, Fla., found inapplicable in a certain instance and applicable rates found not unreasonable or otherwise unlawful. Refund of overcharge directed and complaints dismissed.



*Johnson-Randall Co. v. Ann A. R. Co.*, 153 I. C. C. 728.

1025. Rates on bituminous coal, in carloads, from points in Kentucky, West Virginia, and Virginia to Traverse City, Mich., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Locher v. Kansas C. S. Ry. Co.*, 153 I. C. C. 731.

1026. Rate charged on a carload of expansion paving joints from Tulsa, Okla., to Siloam Springs, Ark., found unreasonable. Reparation awarded.

*Ceramic Traffic Asso. v. Pennsylvania R. Co.*, 153 I. C. C. 734.

1027. Rates on glass sand and ground flint, in carloads, from points in Pennsylvania to destinations in New Jersey and from points in West Virginia to destinations in Pennsylvania and New Jersey found unreasonable but not unduly prejudicial. Reasonable rates prescribed for the future and reparation awarded.

*U. S. Graphite Co. v. Michigan C. R. Co.*, 153 I. C. C. 739.

1028. Rates charged on imported crude graphite (plumbago), in bags and barrels, in carloads, from New York, N. Y., to Saginaw, Mich., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Maloney Tank Mfg. Co. v. Atchison, T. & S. F. Ry. Co.*, 153 I. C. C. 741.

1029. Upon complaint seeking establishment of through routes and joint rates on steel articles from St. Louis, Mo., and points east thereof, to destinations on the Atchison, Topeka & Santa Fe Railway and Panhandle & Santa Fe Railway in the Panhandle district of Texas, and certain destinations in New Mexico, fabricated in transit at Tulsa, Okla., via St. Louis-San Francisco Railway from St. Louis to Avarad, Okla., or Missouri-Kansas-Texas Railway to Yale, Okla., thence Atchison, Topeka & Santa Fe Railway and Panhandle & Santa Fe Railway, found that the commission is without authority to require the establishment of the routes described, but further found that the practices of the Atchison, Topeka & Santa Fe Railway and the Panhandle & Santa Fe Railway in restricting routing to their lines while not providing like restrictions in other instances result in undue prejudice. Undue prejudice ordered removed.

1030. Charges maintained by the Atchison, Topeka & Santa Fe Railway and Missouri-Kansas-Texas Railway on the traffic above described for out-of-line service through Tulsa, Okla., found not unreasonable or unduly prejudicial.

*Piedmont Corp. v. Gainesville & N. W. R. Co.*, 153 I. C. C. 751.

1031. Rates charged on crushed stone, in carloads, from Clermont, Ga., to St. Petersburg, Miami, and St. Augustine, Fla., found inapplicable. Shipments to St. Petersburg found misrouted and rate applicable over route shipments should have moved found unreasonable but not otherwise unlawful. Reparation awarded.

*Cloverdale Spring Co. v. Pennsylvania R. Co.*, 153 I. C. C. 756.

1032. Rates on carbonated beverages, including ginger ale, in carloads, from Newville, Pa., to New York, N. Y., Baltimore and Hagerstown, Md., and Washington, D. C., found not unreasonable. Complaint dismissed.

*Stickell & Sons v. Western M. Ry. Co.*, 153 I. C. C. 759.

1033. Upon further hearing, found, that the commission is without power to require the establishment of additional through routes for the transportation of grain and grain products, in carloads, via Hagerstown, Md., prayed for in this complaint, which would short haul certain defendants as delivering carriers. Former report, 146 I. C. C. 609, reversed. Complaint dismissed.

*United Materials Co. v. Chicago, B. & Q. R. Co.*, 153 I. C. C. 766.

1034. Charges collected on plaster, in carloads, from Centerville, Iowa, to Evanston, Winnetka, and Highland Park, Ill., found not unreasonable. Complaint dismissed.

*Berlin & Co. v. Nashville, C. & St. L. Ry.*, 153 I. C. C. 772.

1035. Upon reconsideration finding in former report, 129 I. C. C. 629, that the rate charged on shipments of cottonseed shavings, in carloads, from Jackson, Tenn., to Brooklyn, N. Y., and Jersey City, N. J., was applicable, reversed and reparation awarded.



1036. Rates charged on cottonseed shavings, in carloads, from points in Alabama, Georgia, Illinois, North Carolina, Mississippi, Kentucky, Tennessee, Texas, and South Carolina to destinations in New Jersey, West Virginia, Virginia, Massachusetts, New York, Maryland, Pennsylvania, Connecticut, Georgia, and the District of Columbia found inapplicable. Reparation awarded.

*Minn. Valley Canning Co. v. Chicago & N. W. Ry. Co.*, 153 I. C. C. 777.

1037. Rates on tin cans, in carloads, from Chicago, Ill., to certain destinations in Minnesota and Iowa found unduly prejudicial but not unreasonable or unjustly discriminatory. Reparation denied. Complaints dismissed.

*Armstrong Cork & Insulation Co. v. Mississippi-W. S.*, 153 I. C. C. 781.

1038. Charges collected on shipments of imported cork board from New Orleans, La., to Louisville, Ky., found unreasonable. Reparation awarded.

*Mathieson Alkali Works v. Louisville & N. R. Co.*, 153 I. C. C. 784.

1039. Rates on soda and soda products, in carloads, from Saltville, Va., and points in Michigan, New York, and Ohio to destinations in the South found unreasonable and unduly prejudicial. Lawful rates prescribed. Reparation denied.

*Nichols & Cox Lumber Co. v. Toledo, S. & M. Ry. Co.*, 153 I. C. C. 793.

1040. Demurrage charges assessed at Detroit, Mich., on a carload shipment of lumber from Memphis, Tenn., found not applicable. Reparation awarded.

*MacDougald Construction Co. v. Central G. Ry. Co.*, 153 I. C. C. 797.

1041. Rate on fuel oil, in tank-car loads, from Jacksonville, Fla., to Milledgeville, Ga., found unreasonable. Reparation awarded.

*Bryant Paving Co. v. Chicago, B. & Q. R. Co.*, 153 I. C. C. 799.

1042. Rates charged on a contractor's secondhand paving outfit and an automobile truck, in mixed carloads, from Waterloo, Iowa, to Dermott, Ark., found inapplicable. Reparation awarded.

*St. Louis Coöperage Co. v. Baltimore & O. R. Co.*, 155 I. C. C. 1.

1043. Carload shipments of slack, empty wooden barrels from St. Louis, Mo., to Lawrenceville, Ill., found not misrouted, but rate charged found inapplicable. Defendants directed to refund overcharges. Complaint dismissed.

*Gordon Candy Co. v. Baltimore & O. R. Co.*, 155 I. C. C. 5.

1044. Ratings and rates on chocolate coating, in carloads, from Chicago, Ill., Philadelphia, Florin, and Hershey, Pa., and New York, N. Y., to Omaha and Fremont, Nebr., Council Bluffs and Sioux City, Iowa, and St. Joseph, Mo., found not unreasonable or otherwise unlawful, except as indicated. Rates on this traffic from New York, Philadelphia, Florin, and Hershey during the period November 1, 1926, to July 7, 1927, found unreasonable. Reparation awarded.

*Karnofsky Bros. v. Pennsylvania R. Co.*, 155 I. C. C. 12.

1045. Carload rate on vegetables from Swedesboro, N. J., to Wilkes-Barre, Pa., found not unreasonable. Complaint dismissed.

*Maine & New Hampshire Granite Corp. v. Boston & M. R.*, 155 I. C. C. 15.

1046. Rates on hammered building granite and on carved and polished building granite, in carloads, from Redstone, N. H., to Alexandria, Va., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Desch v. Northern P. Ry. Co.*, 155 I. C. C. 20.

1047. Upon reconsideration findings in former reports 115 I. C. C. 401, and 140 I. C. C. 1, that the rates charged on a less-than-carload shipment of household goods and trailer from Bozeman, Mont., to Alameda, Calif., were applicable and not unreasonable modified to the extent of finding that the first-class rate charged on the trailer was inapplicable. Reparation awarded.

*Clayton v. Arizona E. R. Co.*, 155 I. C. C. 22.

1048. Rates charged on cotton and cotton linters, in carloads, from points in Arizona to destinations in California found not unreasonable. Complaints dismissed.

*Star Drilling Machine Co. v. Southern P. Co.*, 155 I. C. C. 32.

1049. Rates charged on one carload of steel billets, including four steel forgings, from Akron, Ohio, to Portland, Oreg., found applicable. Complaint dismissed.

*Victor-American Fuel Co. v. Denver & S. L. R. Co.*, 155 I. C. C. 34.

On further hearing, original report 115 I. C. C. 169:

1050. The commission will not undertake to determine the extent of complainant's damages, if any, alleged to have been suffered by reason of a carrier's practices in the distribution of coal cars to mines when complainant admits that false rating reports upon which car distribution was based were rendered to the carrier under oath and that by reason thereof the ratings of its mines were grossly inflated, and the basis for ascertainment of damages for tort is uncertain and speculative.

1051. When mine operators concur in an agreement under which other operators furnish railway fuel coal at a reduced price on the unlawful condition that cars furnished for loading of such fuel coal shall not be counted against the mine, the commission will not undertake to determine whether, as between the operators, the concurring operators were damaged by reason of such practices.

1052. Motion to dismiss the complaint of the Victor-American Fuel Company against all defendants in so far as it relates to reparation, sustained.

1053. Motion to dismiss the complaint of the Bear River Coal Company and the Routt-Pinnacle Coal Company against defendant coal companies in so far as it relates to reparation, sustained.

*McGinnis-Burdette Lumber Co. v. Alabama T. & N. R. Corp.*, 155 I. C. C. 43.

1054. Carload rates charged on lumber from Bogueloosa, and Bolinger, Ala., to Memphis, Tenn., found inapplicable. Applicable rates found unreasonable. Reasonable rates prescribed and reparation awarded.

*Doughty-McDonald Grocery Co. v. Atchison, T. & S. F. Ry. Co.*, 155 I. C. C. 47.

1055. Rates on salt, in carloads, from Hutchinson, Kanopolis, Lyons, and Sterling, Kans., to numerous destinations in Oklahoma and Texas found unreasonable. Reparation awarded.

*Poehlmann Bros. Co. v. Louisville & N. R. Co.*, 155 I. C. C. 51.

1056. Rate on bituminous coal, in carloads, from Whitsett, Ky., to Morton Grove, Ill., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Cady Lumber Corp. v. Apache Ry. Co.*, 155 I. C. C. 56.

1057. Rates on lumber and box shooks, in carloads, from Williams, Flagstaff, and McNary, Ariz., to Indio, Calif., and other destinations in the Coachella Valley and to certain branch-line stations in the Imperial Valley in California found unreasonable. Reasonable rates prescribed.

1058. Rates on the same commodities from the same points of origin to main-line destinations in the Imperial Valley found not unreasonable or otherwise unlawful.

*Automatic train-control devices*, 155 I. C. C. 62.

1059. After inspection and test, installation found to be in conformity with plans furnished by the carrier and installation is approved except as noted.

1060. Certain features in connection with the requirements and specifications are brought to the carrier's attention for further consideration and appropriate action.

*Ind. Coke & Gas Co. v. Ahnapee & W. Ry. Co.*, 155 I. C. C. 70.

1061. Interstate rates on coke, in carloads, from Terre Haute and Indianapolis, Ind., Chicago, Ill., and Milwaukee, Wis., to destinations in western trunk-line and Illinois Freight Association territories found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed.

*Leonard, Crosset & Riley, v. Arkansas H. T. Ry.*, 155 I. C. C. 89.

1062. Rates on potatoes, in carloads, from points in Red River Valley district in western Minnesota and eastern North Dakota, and in northwestern North Dakota, to destinations in Arkansas, Oklahoma, Texas, and Louisiana west of the Mississippi River, found not unreasonable in the past, but unreasonable for the future. Reasonable rates and minimum weights prescribed.



1063. Rates on the same commodities from the same points and from points in South Dakota and Wisconsin to destination in Kansas found not unreasonable or otherwise unlawful.

*Calif. Fruit Exch. v. Amer. Ry. Exp. Co.*, 155 I. C. C. 105.

1064. Aggregate of express rate to Jersey City, N. J., and proportional freight rate beyond, applicable to shipments of fresh deciduous fruits, in carloads, from Arizona to Erie Railroad Piers 20 and 21, New York, N. Y., found unreasonable. Reparation awarded.

*West Coast Lumbermen's Asso. v. Boston & A. R. Co.*, 155 I. C. C. 109.

1065. Amounts of reparation due complainants under former decisions, 78 I. C. C. 495 and 101 I. C. C. 633, wherein rates on sash and doors, in straight carloads or in mixed carloads with other forest products, from points in Oregon, Washington, and California to destinations in trunk-line and New England territories were found unreasonable, determined.

*Hanley-Fry Co. v. Chicago & N. W. Ry. Co.*, 155 I. C. C. 121.

1066. Defendant's tariff provisions with respect to certain fresh fruits and vegetables, in mixed carloads, from Chicago, Ill., to Beloit and Janesville, Wis., found unreasonable. Complaints found to have been damaged thereby on certain shipments and reparation awarded. Defendant directed to revise its tariff provisions in conformity with the report.

*U. S. Bobbin & Shuttle Co. v. Chicago, M. & St. P. Ry. Co.*, 155 I. C. C. 126.

1067. Rates charged on rough-turned bobbin blocks, in carloads, from Merrill, Wis., to Greenville, S. C., found inapplicable. Applicable rate found unreasonable and reparation awarded.

*Transfer of freight within St. Louis and East St. Louis*, 155 I. C. C. 129.

Upon investigation on our own motion and upon consideration of schedules filed by respondents concerning the receipt, delivery, and transfer of freight within the St. Louis-East St. Louis terminal district, by means of drays or trucks operated on and over public highways, and the allowances paid or to be paid for such services, *Found*:

1068. That the proposal of carriers, other than the Chicago & Alton, to employ a single transfer company for the operation of off-track stations and the haulage between such stations and the on-track stations of the railroads, and in the interchange of freight between railroads is not violative of any provision of the interstate commerce act.

1069. That the proposal of carriers, other than the Chicago & Alton, to reduce the number of off-track stations in St. Louis from 12 to 7, and at East St. Louis, from 3 to 2, will not be harmful to the public interest or result in unreasonable and inadequate service.

1070. That the present and proposed maintenance of a constructive station at the west end of Eads Bridge as an aid to the direct receipt and delivery of freight from and to shippers and consignees is not unlawful and, as at present operated, does not result in unlawful practices.

1071. That the proceedings will be held open in order to afford opportunity to respondents to enter into a cost study of the service considered and to prepare new tariffs and contracts in the light of such study, to be presented at a further hearing.

*Chicago Heights Mfrs. Asso. v. Southern P. Co.*, 155 I. C. C. 180.

1072. Carload rate on manganese-steel scrap from Miami, Ariz., to Los Angeles, Calif., found not unreasonable. Complaint dismissed.

*Strauss Packing Co. v. Alabama & V. Ry. Co.*, 155 I. C. C. 183.

1073. Rates on horses, valuable only for slaughter, in carloads, from points in official territory and from Kansas City, Mo., Omaha, Nebr., Sioux City, Iowa, St. Paul, Minn., and points in western territory intermediate therefrom, to Brooklyn, N. Y., found unreasonable, but not unjustly discriminatory or unduly prejudicial. Reasonable basis of rates prescribed for the future.

*N. W. Ark. Freight Bureau v. Kansas C. S. Ry. Co.*, 155 I. C. C. 187.

1074. Rates on strawberries, in carloads, from points in Arkansas to Kansas City and St. Louis, Mo., found not unreasonable, unjustly discriminatory, or unduly prejudicial, but in certain instances violative of section 4 of the inter-



state commerce act prior to June 14, 1927, but not thereafter. Rates established under the recent consolidated southwestern revision found to be the proper basis for the future. Reparation denied. Complaint dismissed.

*Enterprise Wheel & Car Corp. v. Southern Ry. Co.*, 155 I. C. C. 193.

1075. Interstate rate on mine cars, in carloads, from Bristol, Va.-Tenn., to certain branch-line destinations on the Louisville & Nashville in the Harlan coal district of eastern Kentucky and to Westbourne, Tenn., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*Winkleman v. St. Louis-S. F. Ry. Co.*, 155 I. C. C. 198.

1076. Rate on walnuts and hickory nuts, in mixed carloads, from Rogers, Ark., to Denver, Colo., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Abel Construction Co. v. Chicago, B. & Q. R. Co.*, 155 I. C. C. 201.

1077. Rates charged on paving brick, in carloads, from Buffalo, Kans., to Wilber and Friend, Nebr., found not to have been unreasonable. Complaint dismissed.

*Mid-West Fruit Co. v. International G. N. R. Co.*, 155 I. C. C. 205.

1078. Claim for refund of an amount collected by defendants as undercharges after the expiration of the 3-year period of limitations found barred. Complaint dismissed.

*Sherwood v. New York, N. H. & H. R. Co.*, 155 I. C. C. 206.

1079. Rates charged on cranberries, in carloads, from Tremont, Mass., to Los Angeles and San Francisco, Calif., found unreasonable. Reparation awarded.

*National Screw Mfg. Co. v. New York, C. & St. L. R. Co.*, 155 I. C. C. 209.

1080. Rate charged on a carload of iron bolts from Cleveland, Ohio, to Memphis, Tenn., found inapplicable. Refund of overcharges directed. Complaint dismissed.

*Southard Fed & Milling Co. v. St. L. & H. R. Co.*, 155 I. C. C. 211.

1081. Demurrage charges collected at Troy, Mo., on a carload of poultry and stock feed moving under order-notify bill of lading from Kansas City, Mo., to Troy, found to have been in excess of those applicable. Reparation awarded.

*Brennan & Corrigan v. Chicago & N. W. Ry. Co.*, 155 I. C. C. 214.

1082. Rate charged on a carload of freight automobiles from Clintonville, Wis., to Laredo, Tex., for export to Mexico, found applicable and not unreasonable. Complaint dismissed.

*Automatic train-control devices*, 155 I. C. C. 215.

1083. After inspection and test, installation found to be in conformity with plans furnished by the carrier and installation is approved except as noted.

1084. Certain features in connection with the requirements and specifications are brought to the carrier's attention for further consideration and appropriate action.

*Nutlie Fruit Co. v. Boston & M. R.*, 155 I. C. C. 221.

1085. Defendant's refusal to place cars of juice grapes upon specially designated public delivery tracks within its yards at Boston, Mass., found not unreasonable. Complaint dismissed.

*Cone Bros. Construction Co. v. Southern Ry. Co.*, 155 I. C. C. 225.

1086. Rate on slag, in carloads, from Woodward, Ala., to Hillsborough, Fla., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Hill-Lawson Co. v. Alton & E. R. Co.*, 155 I. C. C. 227.

1087. Rates on potatoes, in carloads, from points in Minnesota, Wisconsin, and Michigan to Middlesboro, Ky., found unreasonable and unduly prejudicial. Rates for the future prescribed.

*National Concrete Metal Forms Corp. v. Louisville & N. R. Co.*, 155 I. C. C. 230.

1088. Rates on steel floor arches and end caps, in carloads, from Franklin, Ky., to Nashville, Tenn., found unreasonable. Reparation awarded.

*Hope Engineering & Supply Co. v. Buffalo, R. & P. Ry. Co.*, 155 I. C. C. 233.

1089. Carload rate charged on iron pipe couplings, from Bradford, Pa., to Shamrock, Wellington, and Dodsonville, Tex., found inapplicable. Reparation awarded.

*Jamestown Baking Co. v. Baltimore & O. R. Co.*, 155 I. C. C. 235.

1090. Rates on printed waxed wrapping paper, in less than carloads, from Columbus and Middletown, Ohio, to Jamestown, N. Y., found unreasonable. Reparation awarded.

*Attemus v. Atchison, T. & S. F. Ry. Co.*, 155 I. C. C. 237.

1091. Rates charged on shipments of stock cattle, in carloads, during April, 1925, from certain points in Texas to Bazar, Staffordville, and Strong City, Kans., found to have been inapplicable by virtue of an intermediate-point rule carried in the governing tariff, and the applicable rates found to have been those based upon a distance scale, published in the same tariff, applied to the respective distances over the routes of movement. Reparation awarded.

*Big Lakes Box Co. v. Southern P. Co.*, 155 I. C. C. 240.

1092. Present rates on box shooks, in carloads, from Westwood, Calif., Klamath Falls and Lakeview, Oreg., Verdi, Nev., and other points in California and Oregon to points in the Imperial Valley of California, found not unreasonable, except those to Dixieland, Calif. Reasonable rates to that point prescribed.

1093. Rates on the same commodities from the same points to Meloland and Holtville, Calif., found unreasonable in the past. Reparation awarded.

*Sand, gravel, crushed stone, and shells*, 155 I. C. C. 247.

1094. Upon general investigation of rates on sand, gravel, crushed stone, shells, and related commodities taking the same rates, in carloads in the Southwest, basis of maximum reasonable interstate rates prescribed.

1095. Undue prejudice found to exist against persons in interstate commerce and unjust discrimination against interstate commerce by reason of intrastate rates between points in Louisiana west of the Mississippi River, including points on both banks thereof, on sand, gravel, crushed stone, shells, and related commodities, in carloads. Undue prejudice and unjust discrimination ordered removed.

1096. Reasonable basis of rates prescribed in Nos. 16002 and 18702 on sand, gravel, and chats, in straight or mixed carloads, from Little River Siding, Ark., and Arkansas City, Ark., to destinations in Louisiana west of the Mississippi River and the same basis of rates approved for intrastate application on the same commodities from points in said portion of Louisiana to destinations in northern Louisiana to remove the undue prejudice to complainants and the unjust discrimination against interstate commerce found to exist.

*Scrap iron or scrap steel stopped in transit*, 155 I. C. C. 285.

1097. Proposed rule for stopping carloads of scrap iron or scrap steel in transit for handling, sorting, and storing at Minneapolis, Minnesota Transfer, and St. Paul, Minn., and reforwarding to Duluth and Steelton, Minn., and Superior, Wis., on basis of through rates from origins to destinations plus 2.5 cents per 100 pounds found justified. Order of suspension vacated and proceeding discontinued.

*National Car Coupler Co. v. Atchison, T. & S. F. Ry. Co.*, 155 I. C. C. 291.

1098 Upon further hearing, amount of reparation due complainant on certain shipments under findings in former report, 120 I. C. C. 37, determined.

*Marble Products v. Louisville & N. R. Co.*, 155 I. C. C. 293.

1099. Rates on marble chips, in carloads, from Cardiff, Md., and New York, N. Y., to Whitestone, Ga., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*Miller Lumber Co. v. New York C. R. Co.*, 155 I. C. C. 296.

1100. Demurrage and storage charges collected on a carload of lumber from Riverton, Ala., to Glendale, Ohio, milled in transit at Tusculumbia, Ala., and diverted before arrival at Glendale to Tonawanda, N. Y., found applicable and not unreasonable. Complaint dismissed.

*So. Ga. Traff. Bureau v. Atlanta, B. & O. R. Co.*, 155 I. C. C. 299.

1101. Rate on tankage, in carloads, from Charleston, S. C., to Cordele, Ga., found not unreasonable. Complaint dismissed.

*American Window Glass Co. v. Baltimore & O. R. Co.*, 155 I. C. C. 301.

1102. Carload rates on sand from points in the Berkeley and Hancock districts in West Virginia and Maryland to destinations in the Pittsburgh group in Pennsylvania found unreasonable. Reasonable rates prescribed and reparation awarded.

*La. Western Lumber Co. v. Louisiana W. R. Co.*, 155 I. C. C. 311.

1103. Rate charged on a mixed carload of prepared roofing, roofing paper, and hard asbestos shingles, or artificial roof slate, from Waukegan, Ill.; to Lake Charles, La., found unreasonable. Reparation awarded.

*Beaman Elevator Co. v. Chicago & N. W. Ry. Co.*, 155 I. C. C. 313.

1104. Finding in prior reports, 139 I. C. C. 735 and 148 I. C. C. 444, requiring the maintenance for the future of a rate of 19.5 cents over the route of movement, rescinded.

1105. Finding in prior reports with respect to reparation modified by awarding reparation solely upon the ground of misrouting, such reparation to be paid by the Chicago & North Western.

*Agricultural implements from La Porte*, 155 I. C. C. 318.

1106. Proposed increased rate on agricultural implements, in carloads, from La Porte, Ind., to Texas ports for export found not justified. Suspended schedules ordered canceled and proceeding discontinued without prejudice to filing of new schedules conforming to the findings herein.

*Continental Steel Corp. v. Akron, C. & Y. Ry. Co.*, 155 I. C. C. 321.

1107. Rates on scrap iron and steel, in carloads, from points in central and western trunk-line territories to Kokomo, Ind., found unreasonable. Lawful rates prescribed.

*Newburger Cotton Co. v. Gulf, M. & N. R. Co.*, 155 I. C. C. 327.

1108. Transit rule restricting application of joint rates on shipments of cotton compressed in transit to instances in which paid inbound freight bills were surrendered upon reshipment from transit point found not unreasonable. Complaint dismissed.

*Hoboken Mfrs. R. Co. v. Atchison, T. & S. F. Ry. Co.*, 155 I. C. C. 330.

1109. On rehearing, division of joint rates accorded the Hoboken Manufacturers' Railroad Company on silk from points on the Pacific coast to its line at Hoboken, N. J., found unjust, unreasonable, and inequitable. Just, reasonable and equitable division prescribed. Findings in 132 I. C. C. 579 modified in part.

*Southern Cement Rates*, 155 I. C. C. 339.

1110. Upon further consideration, findings in original report, 132 I. C. C. 427, modified to permit defendants Chesterfield & Lancaster and Charlotte, Monroe & Columbia to maintain short-line basis of rates on cement prescribed therein. Former orders amended.

*Lawton Glass Sand Co. v. Baltimore & O. R. Co.*, 155 I. C. C. 341.

1111. Applicable rate on glass sand, in carloads, from Lawton, Ky., to Barlow, W. Va., found unreasonable. Reasonable rate prescribed and reparation awarded.

*U. S. War Department, v. Abilene & S. Ry. Co.*, 155 I. C. C. 343.

1112. Upon reconsideration, prior report 151 I. C. C. 91, modified bases of just, reasonable, and equitable divisions of joint rail-barge and rail-barge-rail class and commodity rates between points on the Baltimore & Ohio in central territory and lower Mississippi River ports, Mobile, Ala., and interior points in Arkansas, Louisiana, and Texas, prescribed.

*Barschi & Son v. Baltimore & O. R. Co.*, 155 I. C. C. 350.

1113. Upon reconsideration of No. 18000, rate on enameled-iron laundry-tub covers and enameled-iron table tops, in straight or mixed carloads, from Cleveland, Ohio, to New York, N. Y., and points adjacent thereto, found unreasonable



since March 1, 1928. Reasonable rate prescribed. Former finding in 139 I. C. C. 715, reversed.

1114. Upon reconsideration of No. 18311, rate on dinitrochlorbenzol, in tank-car loads, from Grasselli, N. J., to South Charleston, W. Va., found unreasonable since May 1, 1928. Reasonable rate prescribed. Former finding in 136 I. C. C. 485, reversed.

*Restriction of Class Rates on Cotton Factory Products*, 155 I. C. C. 355.

1115. Proposed restriction of the application of the joint class rates on cotton-factory products between points in southern and central territories found not justified, but without prejudice to the filing of new schedules conforming to the views herein expressed. Suspended schedules ordered canceled and proceeding discontinued.

*Old Dominion Glass Corp. v. Pennsylvania R. Co.*, 155 I. C. C. 363.

1116. Upon further consideration, finding in former report 139 I. C. C. 204, that the rate charged on fuel oil, in tank-car loads, from Baltimore (Canton), Md., to Alexandria, Va., over the Pennsylvania and connections was inapplicable, and that the applicable rate was unreasonable modified.

*Charleston Port Utilities Commission v. Baltimore & C. S. S. Co.*, 155 I. C. C. 365.

1117. Commission has no jurisdiction to order payment by a connecting carrier of accrued compensation for past detention by it of cars moving under joint rates and over through routes.

1118. Average agreement under demurrage tariff in force found not to apply to cars detained at Charleston, S. C., containing freight moving on joint rates and over through routes to Florida destinations.

1119. Record not adequate to warrant the prescription of a rule of compensation for the interchange or detention of cars between complainant and defendants.

1120. Complaints dismissed.

*Keathly v. Louisville & N. R. Co.*, 155 I. C. C. 371.

1121. Upon reconsideration rates charged on bituminous rock, in carloads, from Bowling Green, Ky., to London and Cannerton, W. Va., found inapplicable prior to September 1, 1924, but applicable thereafter. Applicable rate of \$4.53 to London on shipments moving in the year 1925 found unreasonable. Reparation awarded.

1122. Findings in original report, 148 I. C. C. 119, affirmed in part and reversed in part.

*Western Purchasing Co. v. Atchison, T. & S. F. Ry. Co.*, 155 I. C. C. 374.

1123. Rate on inedible animal tallow, in tank-car loads, from Denver, Colo., to El Paso, Tex., for export found unreasonable. A reasonable rate for the future prescribed. Reparation denied.

*Pet Milk Co. v. Pennsylvania R. Co.*, 155 I. C. C. 377.

1124. Rates on canned evaporated milk, in carloads, from Greensboro, Md., to certain interstate destinations found unreasonable. Reparation awarded and basis for future rates prescribed.

*Indian Refining Co. v. Louisville & N. R. Co.*, 155 I. C. C. 380.

1125. Upon oral argument, former finding, 112 I. C. C. 732, that rates charged on shipments of crude and refined petroleum in tank-car loads from points in Kentucky, Kansas, and Oklahoma, to Lawrenceville, Ill., and Toledo and Findlay, Ohio, were applicable, affirmed except as to shipments from Beattyville, Ky., to Toledo and Findlay.

1126. Excepted shipments on which combinations of proportionals on Cincinnati, Ohio, were assessed, found overcharged. Lower combinations of proportional rates to other intermediate points and local rates beyond treated under combination rule found applicable. Refund directed and complaints dismissed.

*McEwing & Thomas Clay Products Co. v. Chicago & E. I. R. Co.*, 155 I. C. C. 387.

1127. Rates charged on common brick and so-called building block, in carloads, shipped subsequent to July 1, 1923, from Albion, Ill., to St. Louis, Mo., and other destinations, found inapplicable. Reparation awarded. Previous decision, 148 I. C. C. 527, affirmed. Previous decision, 148 I. C. C. 273, reversed.

*Swift & Co. v. St. Louis-S. F. Ry. Co.*, 155 I. C. C. 392.

1128. Rates on soap, soap powders, washing powders, and scouring and cleaning compounds, in carloads, from Chicago, Ill., Calumet-East Chicago, Ind., and South Omaha, Nebr., to certain destinations in Kansas and to all destinations in Oklahoma and Texas found unreasonable. Reparation awarded. Like rates to certain destinations in Missouri and New Mexico found not unreasonable.

*Calif. Dressed Beef Co. v. Atchison, T. & S. F. Ry. Co.*, 155 I. C. C. 397.

1129. Upon further hearing, basis determined for computing reparation under rates on hogs, in carloads, from points in New Mexico, Texas, Kansas, and Oklahoma to Los Angeles, Calif., found reasonable herein and in original report, 128 I. C. C. 607. Reparation awarded.

1130. Informal complaints found to have raised issue of reasonableness of the rates assailed. Original report modified to the extent indicated herein.

*Road building materials, gravel, slag, stone, etc.*, 155 I. C. C. 407.

1131. Proposed rates on crushed gravel and crushed stone, and related commodities, between stations in New England, New York, and Canada, found justified. Order of suspension vacated and proceeding discontinued.

*Absorption of switching charges on grain*, 155 I. C. C. 411.

1132. Proposed cancellation of provision for absorption of switching charges on grain and grain products, in carloads, from certain points in Kansas and Nebraska to industries and team tracks on the Dodson division of the Kansas City Public Service Company found justified. Order of suspension vacated and proceeding discontinued.

*Armour Grain Co. v. Chicago, M. & St. P. Ry. Co.*, 155 I. C. C. 415.

1133. Demurrage charges collected for the detention at Milwaukee, Wis., of certain carloads of oats by the Chicago, Milwaukee & St. Paul Railway Company, found to have been in excess of those applicable. Reparation awarded.

1134. Claim for demurrage charges and interest thereon due to alleged deficient switching service found to be barred by limitation.

1135. Demurrage charges collected by the Chicago, Milwaukee & St. Paul Railway Company, for detention at Milwaukee of certain carloads of bulk oats found to have proximately resulted from the unlawful refusal of the Great Northern Railway Company, to permit reconsignment of these shipments in accordance with its tariffs. Reparation awarded against the Great Northern.

*Arnold & Co. v. Texas & N. O. R. Co.*, 155 I. C. C. 424.

1136. Demurrage charges collected on a carload of hay from Fulton, Mo., to Houston, Tex., found applicable. Complaint dismissed.

*Jackson Traffic Bureau v. Atlantic C. L. R. Co.*, 155 I. C. C. 427.

1137. Rail-and-water rates on imported citrus fruit, in carloads and less than carloads, from New York, N. Y., to Jackson, Miss., found unreasonable but not unduly prejudicial. Reasonable rates prescribed.

*Jackson Traffic Bureau v. Atlanta, B. & C. R. Co.*, 155 I. C. C. 431.

1138. Rate on crude phosphate rock, in carloads, from Bartow and near-by points in Florida, to Jackson, Miss., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Columbus Brick & Tile Co. v. Seaboard A. L. Ry. Co.*, 155 I. C. C. 435.

1139. Rates on common brick and hollow fireproof building tile, in carloads, from Columbus, Ga., to Tallahassee, Fla., found not unreasonable.

1140. Shipments of these commodities from Columbus, to Madison, Fla., found misrouted but complainants not damaged thereby. Rates applicable over route of movement found not unreasonable. Complaint dismissed.

*Mid-West Refining Co. v. Atchison, T. & S. F. Ry. Co.*, 155 I. C. C. 438.

1141. Carload rates on oil-well supplies from Borger, Tex., to Carlsbad, N. Mex., found unreasonable. Reparation awarded.

*McGinnis-Burdette Lumber Co. v. Alabama, T. & N. R. Corp.*, 155 I. C. C. 441.

1142. Shipments of yellow-pine lumber, in carloads, from Bogueloosa, Ala., to Ypsilanti, Mich., and from Marion Junction, Ala., to West Liberty, Pa., found overcharged. Reparation awarded.

*Bernuth, Lembcke Co. v. Chicago, B. & Q. R. Co.*, 155 I. C. C. 446.

1143. Rates on creosote oil, in tank-car loads, from Seattle, Wash., and St. Helens, Oreg., over interstate routes to Spokane, Newport, and Hillyard, Wash., and Sand Point, Athol, Bovill, Priest River, and St. Maries, Idaho, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Reciprocal switching charges at Evansville*, 155 I. C. C. 450.

1144. Proposed increased reciprocal switching charge on certain interstate traffic at Evansville, Ind., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Proportional rates on grain, grain products, and hay*, 155 I. C. C. 453.

1145. Proposed cancellation of proportional rates on grain, grain products, and hay from certain points in southwestern Missouri and southeastern Kansas to certain destinations in Missouri, Illinois, Arkansas, Mississippi, Alabama, Louisiana, Kentucky, Florida, Tennessee, Oklahoma, and Texas found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Hope Engineering & Supply Co. v. Chicago, B. & Q. R. Co.*, 155 I. C. C. 458.

1146. Carload of contractors' equipment from Stafford, Tex., to Carlyle, Mont., found not to have been misrouted.

1147. Complaint alleging that the rate charged on that shipment was unreasonable and unduly prejudicial found barred by the statute of limitations. Complaint dismissed.

*Household refrigerators*, 155 I. C. C. 461.

1148. Proposed cancellation of commodity rates on refrigerators, in carloads, between points in western trunk-line territory on and east of the Missouri River and in Illinois territory and between these respective territories found not justified. Proposed cancellation of commodity rates on like traffic, in carloads and less than carloads, from points in Wisconsin to points in central territory found justified. Suspended schedules ordered canceled except those found justified, as to which order of suspension vacated. Proceeding discontinued.

*Nowlin & Company v. Norfolk & W. Ry. Co.*, 155 I. C. C. 467.

1149. Car of coal from Gary, W. Va., to Rivermont, Va., found to have been reconsigned twice en route.

1150. Combination of rates to and from the second reconsigning point plus two reconsigning charges found applicable.

1151. Applicable charges found reasonable, except that second reconsignment charge found unreasonable. Defendant authorized to waive collection of second reconsignment charge. Complaint dismissed.

*Alexandria Bedding Co. v. Beaumont, S. L. & W. Ry. Co.*, 155 I. C. C. 471.

1152. Rate charged on a carload of cottonseed-hull shavings from Houston, Tex., to Alexandria, La., found not unreasonable or unjustly discriminatory. Complaint dismissed.

*Warfield Chocolate Co. v. Boston & M. R.*, 155 I. C. C. 473.

1153. Ratings and rates on shipments of cocoa beans, in carloads, from Boston, Mass., New York, N. Y., and Philadelphia Pa., to Chicago, Ill., and chocolate coating from Chicago to Sioux City, Iowa, which moved prior to the effective date of our order in *Cocoa & Chocolate Mfrs. Asso. v. A. & V. Ry. Co.*, 126 I. C. C. 561, found not unreasonable. Complaint dismissed.

*McDonald Chocolate Co. v. Baltimore & O. R. Co.*, 155 I. C. C. 475.

1154. Rate on candy, in carloads, from Salt Lake City, Utah, to New York, N. Y., found unreasonable. Reparation awarded.

*Rates on powder and high explosives*, 155 I. C. C. 479.

1155. Upon petition of defendants, original report and order in No. 14687, 151 I. C. C. 155, amended by eliminating Arizona as one of the destination States to which the approved basis of rates is required to be maintained to remove the undue prejudice found to exist. Petition in all other respects denied.



*Oden-Elliott Lumber Co. v. Southern Ry. Co.*, 155 I. C. C. 481.

1156. Rate on lumber, in carloads, from Silver Run, Ala., to Atlanta, Ga., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Fitch & Wilkinson v. Seaboard A. L. Ry. Co.* 155 I. C. C. 484.

1157. Standard refrigeration charges on two mixed carloads of apples and cabbage from Potomac Yard, Va., to Jacksonville, Fla., originating at Wilson, N. Y., found applicable, and not unreasonable or otherwise unlawful. Complaint dismissed.

*Cyanamid and crude cyanide from Niagara Falls*, 155 I. C. C. 488.

1158. Proposed increased joint rates on cyanamid and crude cyanide, in carloads, from Niagara Falls, Ontario, Canada, to destinations in eastern trunk-line and New England territories, Cincinnati, Ohio, and Virginia cities, and concurrences issued with respect to such rates, found not justified.

1159. Suspended schedules and concurrences ordered canceled and proceeding discontinued, without prejudice to the filing of new schedules and concurrences in conformity with the views expressed herein.

1160. Former report, 151 I. C. C. 207, reversed.

*Consolidated Southwestern Cases*, 155 I. C. C. 504.

1161. Upon petition, prior findings modified to permit, in the special circumstances and conditions shown of record, establishment of a commodity rate on high explosives, in carloads, from Grafton, Ill., to Treece, Kans., without present establishment of like rates from and to other points.

1162. Petitions by glass manufacturers of the Southwest for elimination from these proceedings of window glass, rough-rolled glass, polished wire glass, certain glass articles, and certain commodities used in manufacture thereof denied, but proceedings reopened for further hearing concerning lawful rates for application to articles named in commodity description 22 of Appendix 10, except as indicated.

1163. On further hearing, creosote oil, in carloads, and rates thereon, excepted from the application and requirements of the findings heretofore made herein, 123 I. C. C. 203, 400.

1164. Prior reports, 123 I. C. C. 203, 139 I. C. C. 535, 144 I. C. C. 630, 147 I. C. C. 165, 148 I. C. C. 282, and 148 I. C. C. 613.

*Iron and steel articles*, 155 I. C. C. 517.

1165. Upon general investigation of rates on iron and steel articles, in carloads, in official territory, basis of maximum reasonable rates prescribed.

*New England cement rates*, 155 I. C. C. 601.

1166. Rates on cement, in carloads, from points in the Hudson district of New York and the Lehigh district of Pennsylvania and New Jersey to destinations in New England found unreasonable.

1167. Reasonable basis of rates prescribed for the future.

1168. Reparation awarded on carload shipments of cement from Glenn Falls, N. Y., to destinations on certain lines in New England.

*Transit provisions on grain and related commodities*, 155 I. C. C. 638.

1169. Proposed cancellation by the Chicago & Alton of transit arrangements applicable to grain moving on proportional rates from Pekin and Peoria, Ill., to destinations in trunk-line and New England territories found justified. Order of suspension vacated and proceeding discontinued.

*Metal & Thermit Corp. v. Illinois C. R. Co.*, 155 I. C. C. 641.

1170. Charges collected on one carload of coal from Martwick, Ky., to East Chicago, Ind., found not unreasonable. Compliant dismissed.

*Arnold & Co. v. Missouri P. R. Co.*, 155 I. C. C. 643.

1171. Movement of a carload of hay from Ocala, Fla., to Tampa, Fla., previously shipped from Uniontown, Kans., to Memphis, Tenn., and reconsigned to Ocala found to have been intrastate. Charges collected on the traffic from Uniontown to Ocala found not unreasonable. Certain undercharge found as indicated in report. Complaint dismissed.

*Cook, Swan & Young Copr. v. Apalachicola N. R. Co.*, 155 I. C. C. 646.

1172. Rates on fish oil, in tank-car loads, from Port St. Joe and Fernandina, Fla., St. Marys, Ga., and Southport and Wilmington, N. C., to Bayway, N. J., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Burlington Shippers' Asso. v. Chicago, B. & Q. R. Co.*, 155 I. C. C. 651.

1173. Rates charged on spring assemblies with or without fixtures, in straight carloads or in mixed carloads with one or more of the following articles: Coiled-wire assemblies, wire springs, coiled-wire springs, or iron or steel wire, over the Chicago, Burlington & Quincy, from Chicago, Ill., to Burlington, Iowa, found inapplicable to the extent indicated in the report. Applicable rates found not unreasonable. Reparation awarded.

1174. Rate charged on a carload shipment of spring assemblies with fixtures over the Chicago, Rock Island & Pacific from Chicago, Ill., to Burlington, Iowa, found applicable and not unreasonable.

*Colo. Milling & Elevator Co. v. Southern P. Co.*, 155 I. C. C. 655.

1175. Rates charged on numerous carloads of grain from various points to Denver, Colo., there milled in transit and the grain and grain products reshipped to McNeal, Ariz., found applicable. Complaint dismissed.

*Morgan v. Illinois C. R. Co.*, 155 I. C. C. 657.

1176. Rate charged on three carloads of dredging machinery shipped from Viola, Ky., to New Orleans, La., for export, found unreasonable. Reparation awarded.

*Brooks Construction Co. v. New York C. R. Co.*, 155 I. C. C. 659.

1177. Upon reconsideration, finding in 147 I. C. C. 624, that the rate on sand and gravel, in carloads, from Jonesville, Mich., to Fort Wayne, Ind., was unreasonable, reversed. Complaint dismissed.

*Kistler Leather Co. v. Louisville & N. R. Co.*, 155 I. C. C. 662.

1178. Rates on liquid tanning extract, in tank-car loads, from Nashville, Tenn., to Elkins, W. Va., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Transit on grain and grain products*, 155 I. C. C. 666.

1179. Proposed increases in through charges or rates on grain and grain products from Oklahoma and Kansas to destinations in Texas and the Southeast, when milled or stored in transit which would result from the establishment of the so-called three-way or triangular rate rule, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Salina Chamber of Commerce v. Arkansas W. Ry. Co.*, 155 I. C. C. 671.

1180. Interstate rates on lump coal, in carloads, from certain mines in Kansas, Missouri, Arkansas, and Oklahoma to Salina, Kans., found not unreasonable in the past but unreasonable for the future. Reasonable rates prescribed.

*Birmingham Traffic Bureau v. Illinois C. R. Co.*, 155 I. C. C. 676.

1181. Rates on grain and grain products, in carloads, shipped through or from Ohio and Mississippi River crossings, transited at Birmingham, Ala., and reshipped to points south of Montgomery, Ala., on the Louisville & Nashville, found not to be unreasonable, but unduly prejudicial. Undue prejudice ordered removed.

*White Construction Co. v. Baltimore & O. R. Co.*, 155 I. C. C. 680.

1182. Rates charged on road rollers, in carloads, from Springfield, Ohio, and Deering, Ill., to Fort Lauderdale Fla., found inapplicable. Reparation awarded.

*Ark. Fuel Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 155 I. C. C. 682.

1183. Carload rates on wrought-iron pipe from Artesia, N. Mex., and on wrought-iron pipe and oil-well supplies from Wagon Mound, N. Mex., to Tampa, Kans., found unreasonable but not otherwise unlawful. Reparation awarded.

*Ill. Silica Sand Traff. Bureau v. Atchison, T. & S. F. Ry. Co.*, 155 I. C. C. 687.

1184. Upon reconsideration, formula for computing distances under rates found reasonable in original reports, 152 I. C. C. 749, 153 I. C. C. 469, and 721, modified.

*Naval Stores from South Atlantic Ports*, 155 I. C. C. 688.

1185. Proposed joint rates on turpentine and rosin, in carloads, from south Atlantic ports and interior points to destinations in Canada found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

*Hurd Lumber Co. v. Ann A. R. Co.*, 155 I. C. C. 691.

1186. Rates on door and window frames, knocked down, with or without pulleys, in carloads, from Medford, Wis., to destinations in official territory east of the Illinois-Indiana State line found not unreasonable but unduly prejudicial. Complainant not shown to have been damaged by the undue prejudice found herein. Undue prejudice ordered removed.

*Cheese from Iowa, Minn. and Wis.*, 155 I. C. C. 695.

1187. Finding in former report, 107 I. C. C. 340, that proposed increased rates on cheese, in carloads, from points in southern Wisconsin to Chicago, Ill., and other points were not justified, affirmed.

*Park Mills v. Boston & M. R.*, 155 I. C. C. 697.

1188. Rates on wool, in the grease, unwashed or washed, not scoured, in carloads, from Boston, Mass., to Sabattus, Me., found to have been unreasonable. Reparation awarded.

1189. Rate on like traffic from Boston to Guilford, Me., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Evans v. Illinois C. R. Co.*, 155 I. C. C. 701.

1190. Rate on bituminous coal, in carloads, from certain producing points in western Kentucky to Little Rock, Ark., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Boilers, stoves, furnaces, and radiators*, 155 I. C. C. 706.

1191. Proposed increased rates on stoves, furnaces, boilers, radiators etc., in central, Illinois, and western trunk-line territories found not justified. Suspended schedules ordered canceled, without prejudice, and proceedings discontinued.

1192. Proposed rates on plumbers' goods from and to points in the above-mentioned territories found not justified. Suspended schedules ordered canceled and proceedings discontinued as to them. Findings as to household enamelware reserved.

*Nueces County Nav. District v. Abilene & S. Ry. Co.*, 155 I. C. C. 712.

1193. Failure of defendants to provide export and coastwise rates on cotton and cotton linters from points in various southwestern States to Corpus Christi, Tex., no greater, for like distances, than similar rates contemporaneously maintained to other Texas ports found unduly prejudicial.

1194. Failure of defendants to provide concentration arrangements at Corpus Christi on cotton and cotton linters moving on export or coastwise rates, substantially identical with those at other Texas ports found unduly prejudicial.

1195. Allegation of undue prejudice due to failure of defendants to provide concentration arrangements at Corpus Christi, in connection with cotton and cotton linters moving through that point by rail not sustained.

*Federated Metals Corp. v. St. Louis-S. F. Ry. Co.*, 155 I. C. C. 722.

1196. Rates on antimonial lead, solder, and babbitt, in straight or mixed carloads, or in mixed carloads with lead, zinc, copper, brass, or bronze, from St. Louis, Mo., to Nashville and Chattanooga, Tenn., Birmingham, Ala., and Atlanta, Ga., found not unreasonable.

1197. Rates on lead in straight carloads, or in mixed carloads with zinc, and on copper, brass, or bronze in straight or mixed carloads, or in mixed carloads with lead or zinc, from and to the same points, found unreasonable. Reasonable rates prescribed and reparation awarded.

*Clark & Co. Division v. Cleveland, C. C. & St. L. Ry. Co.*, 155 I. C. C. 727.

1198. Rate charged for the transportation of 42 carloads of iron castings during March to June, 1924, inclusive, from Indianapolis, Ind., to Harvey, Ill., found applicable. Complaint dismissed.



*Brick and clay products in the South*, 155 I. C. C. 730.

1199. Interstate rates on common brick as defined in the *General Brick case*, 80 I. C. C. 179, when loaded to the marked capacity of the equipment, for hauls in excess of 150 miles from, to, and between points in southern territory found unreasonable. Reasonable rates prescribed for the future.

1200. Intrastate rates on common brick, in carloads, within Georgia, Alabama, and North Carolina, subject to definitions and minimum weights different from the corresponding interstate definition and minimum weight found to be unduly preferential of intrastate shippers, unduly prejudicial to interstate shippers, and unjustly discriminatory against interstate commerce. Commodity definition, including minimum, prescribed which will remove such preference, prejudice, and discrimination. Former decision in I. and S. No. 1885, 88 I. C. C. 543, modified. Reparation denied.

*Bogota Paper & Board Co. v. New York, S. & W. R. Co.*, 155 I. C. C. 745.

1201. Rate on imported wood pulp, in carloads, from Canton docks, Baltimore, Md., to Bogota, N. J., found not unreasonable. Complaint dismissed.

*Tompkins-Kiel Marble Co. v. Erie R. Co.*, 155 I. C. C. 749.

1202. Rates charged on rough-quarried and rough-sawed marble, in carloads, from Phenix, Mo., to New York and Long Island City, N. Y., found applicable but unreasonable. Reparation awarded.

*Jackson Traffic Bureau v. Alabama G. S. R. Co.* 155 I. C. C. 753.

1203. Rates on hardwood lumber, box material and box shooks, in carloads, from points in Louisiana and Mississippi to destinations in Kansas and Tennessee found not unreasonable or unduly prejudicial. Complaint dismissed.

*Peabody Lumber Co. v. Pennsylvania R. Co.*, 155 I. C. C. 760.

1204. Rates on rough bending oak (hoop plank) in carloads, from Bourbon and Columbia City, Ind., to Delphos, Ohio, found not unreasonable. Complaint dismissed.

*Simmons Co. v. Chicago & N. W. Ry. Co.*, 155 I. C. C. 763.

1205. Rates on cotton mattresses and box springs, in mixed carloads with iron beds, linked bed springs, and other articles taking same rate from Kenosha, Wis., to Detroit, Mich., found applicable and not unreasonable. Complaint dismissed.

*Galion Iron Works & Mfg. Co. v. Louisville & N. R. Co.*, 155 I. C. C. 766.

1206. Rates charged on road-making machinery, in carloads, from points in Ohio to destinations in Kentucky and Florida and from points in Kentucky and Florida to destinations in Ohio, found inapplicable. Refund of overcharges directed. Complaints dismissed.

*Kraft Cheese Co. v. Los A. & S. L. R. Co.*, 155 I. C. C. 769.

1207. Rates on cheese, in carloads, from points in Idaho, Illinois, and Wisconsin to points in Pacific coast States found not unreasonable or otherwise unlawful. Complaints dismissed.

*Richards Co. v. Boston & M. R.*, 155 I. C. C. 773.

1208. Carload rate on copper, in cakes, from Edgeworth, Mass., to Black Rock, N. Y., found unreasonable. Reparation awarded.

*Use of private passenger train cars*, 155 I. C. C. 775.

1209. The transportation or movement of private passenger cars, including so-called office cars, by one carrier for another or its officials, free or at other than published tariff rates is contrary to the provisions of the interstate commerce act.

1210. It is unjustly discriminatory and unduly preferential and prejudicial to haul such private cars of other carriers free, or at less than published tariff rates, while charging certain minimum fares and revenue for the movement of privately owned or chartered cars.

1211. The transportation of persons in private passenger cars, including berth and other accommodations, at the rate charged passengers provided only with ordinary coach accommodations is unjustly discriminatory and unduly preferential and prejudicial.

*Chaffee Bros. Co. v. New York, N. H. & H. R. Co.*, 156 I. C. C. 1.

1212. Defendant's failure to establish transit arrangements on round-edge lumber shipped from points in Maine, New Hampshire, and Vermont destined to Oxford, Mass., for manufacture into box shooks, kindling, and sawdust, and subsequent shipment to near-by points in Connecticut, Rhode Island, and New York, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Transportation of strawberries by express*, 156 I. C. C. 4.

1213. Carriers which serve shippers of strawberries in the States of Florida, North Carolina, and Alabama, and carriers which serve shippers of dewberries in the States of North Carolina and South Carolina, directed to establish express refrigerator service for carload shipments to destinations in official classification territory.

1214. Carriers which participate in the movement of such strawberries are directed to handle such shipments in express service.

1215. Express service, as that term is employed herein, defined. Original report, 151 I. C. C. 553.

*Truscon Steel Co. v. Pennsylvania R. Co.*, 156 I. C. C. 7.

1216. Class P rate found applicable between Washington and Lincolnton, Ga., on shipments of steel poles from Pittsburgh, Pa., via Washington to Lincolnton. Parties directed to adjust the charges accordingly, and complaint dismissed.

*Beatrice Creamery Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 11.

1217. Rate on butter, in carloads, from Denver, Colo., to destinations in California found unreasonable. A reasonable rate prescribed and reparations awarded.

*Dixon v. Southern P. Co.*, 156 I. C. C. 15.

1218. Rate on cattle, in carloads, shipped from Conner, Calif., to Chiloquin, Oreg., and fed in transit at Arno and McConnell, Calif., found inapplicable and applicable rate found unreasonable. Reparation awarded.

*Phoenix Utility Co. v. Pennsylvania R. Co.*, 156 I. C. C. 18.

1219. Rates charged on wrought-iron pipe and fittings, in carloads, from Pittsburgh, Pa., to Sanford, Fla., and on refrigerating machinery, in carloads, from Warren, Pa., to Sanford, Fla., and from Waynesboro, Pa., to Lake City, Fla., found unreasonable. Reparation awarded.

1220. Rate charged on refrigerating machinery, in carloads, from Warren, Pa., to Palatka, Fla., found not unreasonable.

*United Paperboard Co. v. Boston & A. R. Co.*, 156 I. C. C. 21.

1221. Rates on chip board, pulpboard, box board, and other paperboards, in carloads, from Thomson, N. Y., to certain destinations in Massachusetts, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Fargo Commercial Club v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 27.

1222. Freight rates on strawberries, in carloads, from points in Arkansas and Missouri to Fargo, N. Dak., found not to have been unreasonable.

1223. Express rates on same traffic not unreasonable.

1224. Complaint dismissed.

*Drake v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 30.

1225. Rate charged on a carload of lump coal from North McAlester, Okla., to Humboldt, Kans., found applicable. Applicable rate found to have been unreasonable. Reparation awarded.

1226. Rate on lump coal, in carloads, from Haileyville, Okla., to Humboldt, found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*National Bellas Hess Co. v. Chicago & N. W. Ry. Co.*, 156 I. C. C. 33.

1227. Rate on catalogues, in carloads, from Chicago, Ill., to Kansas City, Mo., found not unreasonable. Complaint dismissed.

*Southern Feed & Milling Co. v. Chicago G. W. R. Co.*, 156 I. C. C. 37.

1228. Rates on grain, in carloads, from points in Iowa, milled or inspected in transit at Kansas City, Mo., and the grain or product shipped to destinations in Missouri and Arkansas, found to have been unreasonable. Reparation denied for lack of proof of damage and complaint dismissed.

*Lone Star Gas Co. v. Chicago, R. I. & G. Ry. Co.*, 156 I. C. C. 40.

1229. Applicable rates on wrought-iron pipe, in carloads, between points in Texas and points in Oklahoma found unreasonable. Refund of overcharges directed and reparation awarded.

1230. Applicable rates on corrugated sheet-iron meter-service boxes, in carloads, from Dallas, Tex., to Pauls Valley, Frederick, and Waurika, Okla., found not unreasonable.

*Elvin v. Great N. Ry. Co.*, 156 I. C. C. 44.

1231. Carload shipment of contractor's equipment and secondhand lumber from Grand Rapids, Minn., to Winona, Minn., found to have been misrouted. Applicable charges over the route the shipment should have moved, determined. Reparation awarded.

*Fruits and vegetables from Illinois*, 156 I. C. C. 48.

1232. Proposed cancellation of commodity rates on lettuce and celery, in carloads, from certain points in Illinois on the Louisville & Nashville to Evansville, Ind., found not justified, but without prejudice to the filing of new schedules eliminating a certain proposed fourth-section departure. Suspended schedules ordered canceled and proceeding discontinued.

*White Eagle Oil & Refining Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 51.

1233. Upon reconsideration rates on gasoline and other petroleum products taking the same rates, in carloads, from Group 3 points in Oklahoma and from Casper, Wyo., to certain points in South Dakota, found not unreasonable prior to November 24, 1928, and original findings as to rates thereafter affirmed. Prior report, 147 I. C. C. 127.

*Combination rule and rates on lumber*, 156 I. C. C. 53.

1234. Proposed cancellation of the so-called combination rule in connection with rates on lumber and related articles from points in Alberta and British Columbia, Canada, Oregon, Washington, Idaho, and Montana, to various interstate points, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Crude sulphur from Baltimore*, 156 I. C. C. 61.

1235. Proposed cancellation of joint through rates on crude sulphur, in carloads, from Baltimore, Md., to Hamilton, Ontario, Canada, found not in violation of the interstate commerce act. Orders of suspension vacated and proceeding discontinued.

*Hansen-Peterson Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 63.

1236. On further consideration, shipments of peaches and grapes, in carloads, from producing points in California via Virginia, Minn., to Gilbert, Eveleth, and Ely, Minn., found not within the scope of these proceedings. Former report, 113 I. C. C. 575.

*American Potash & Chemical Corp. v. Great N. Ry. Co.*, 156 I. C. C. 65.

1237. Upon reconsideration, finding in former report herein, 146 I. C. C. 32, that rates on muriate of potash, in carloads, from Trona, Calif., to Apple Center and Seattle, Wash., and North Portland, Oreg., were unreasonable, modified in part. Rates prescribed and reparation awarded.

*Anderson Co. v. Atlantic C. L. R. Co.*, 156 I. C. C. 67.

1238. Factors of combination rates charged from Jacksonville, Fla., to destinations in Florida south thereof on interstate carload shipments of road-building and excavating machinery and machines found inapplicable. Refund of overcharges directed and complaint dismissed.

*Steel Furniture Co. v. Cincinnati, N. O. & T. P. Ry. Co.*, 156 I. C. C. 69.

1239. Charges collected on steel school-desk standards, in carloads, from Grand Rapids, Mich., to Morristown, Tenn., found applicable, but unreasonable. Reparation awarded.

*Grand Island Chamber of Commerce v. Chicago, B. & Q. R. Co.*, 156 I. C. C. 71.

1240. Carload rates on tin cans from Chicago, Ill., to Grand Island, Nebr., found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed and reparation awarded.



*Michigan Fruit House v. Michigan C. R. Co.*, 156 I. C. C. 75.

1241. Rates charged on shipments of bananas, in carloads, from New York, N. Y., Philadelphia, Pa., and Baltimore, Md., to Saginaw, Mich., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Hartol Products Corp. v. Central R. Co. of N. J.*, 156 I. C. C. 77.

1242. Rate on petroleum or its product, gasoline, in tank-car loads, from Falling Rock, W. Va., to Walnut Hill and North Woburn, Mass., found unreasonable. Reparation awarded and reasonable rate for the future prescribed.

*Star Drilling Machine Co. v. Baltimore & O. R. Co.*, 156 I. C. C. 81.

1243. Rate charged on a carload shipment consisting of a well-drilling machine and parts from Akron, Ohio, to Wichita Falls, Tex., found to have been applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

*Flowers v. New York, N. H. & H. R. Co.*, 156 I. C. C. 83.

1244. One carload of yellow-pine lumber shipped from Lexington, Ga., to New Haven, Conn., and reconsigned from that point to Waterbury, Conn., found to have been misrouted. Demurrage charges assessed found in excess of those applicable. Reparation awarded.

*Nutlie Fruit Co. v. Boston & M. R.*, 156 I. C. C. 87.

1245. Track-storage charges on cars loaded with grapes held for or by consignors, consignees, or owners on hold or public delivery tracks at Boston, Mass., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Capital Construction Co. v. East St. L. & S. Ry. Co.* 156 I. C. C. 92.

1246. Carload rate charged on gravel from Glencoe and Jedburg, Mo., to O'Fallon, Ill., found inapplicable. Reparation awarded.

*Division of rates in western and mountain-Pacific territories*, 156 I. C. C. 94.

1247. Minor modifications made of findings in prior report, 148 I. C. C. 457, with respect to the just, reasonable, and equitable divisions in the aggregate, north and south of certain gateways, of joint rates participated in by southwestern lines and western trunk lines, and order entered.

1248. Reasons also given for denial of rehearing and reargument sought by southwestern lines.

*Granite, marble, and stone in New England*, 156 I. C. C. 107.

1249. Proposed rates on granite, marble, and stone, in carloads, between points in New England territory found not justified. Suspended schedules ordered canceled, without prejudice to the filing of new schedules in accordance with the views expressed herein. Proceeding in No. 3168 discontinued.

1250. Rates on granite, other than carved, lettered, polished, or traced, in carloads, between points in New England territory assailed in Nos. 21461 and 21565, found unreasonable. Reasonable rates prescribed for the future. Reparation awarded in No. 21461.

*Hosiery from Southern points*, 156 I. C. C. 117.

1251. Proposed increased rates on cotton hosiery and hosiery made of mixed cotton and rayon and mixed cotton and silk, any quantity, within the South and from the South to destinations in official and western-trunk line territories, found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules in accordance with the views expressed herein.

1252. Finding in original report in No. 18358, 140 I. C. C. 109, that the rates on knitting-factory products (hosiery) made wholly of cotton, any quantity, from Kankakee, Ill., to destinations in the Southeast and Mississippi Valley were unduly prejudicial to the extent that they exceeded the rates on the same commodity from points in the Southeast and Mississippi Valley to Kankakee, modified on reconsideration.

*Through Routes and Joint Rates*, 156 I. C. C. 141.

1253. Findings in prior report, 153 I. C. C. 129, modified to provide: (a) That through barge-rail and rail-barge-rail routes, and hence joint rates, need not be established except over the shortest route between the inland point of origin (or destination, as the case may be) and the port of interchange over which the lowest corresponding rate between such points applies; and (b) that no

joints rates on a commodity need be established where the corresponding all rail rate over the direct route from or to an interior point in southern territory to or from a port of destination or origin involves at intermediate points departures from the long-and-short-haul provisions of the fourth section of the interstate commerce act.

*Kirk & Co. v. Cleveland, C. C. & St. L. Ry. Co.*, 156 I. C. C. 145.

1254. Rate charged on 29 carloads of soap, shipped during 1923 and 1924, from Chicago, Ill., to Indianapolis, Ind., found applicable. Complaint dismissed.

*American Asphalt Roof Corp. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 147.

1255. Combination through rates assessed and collected by the defendant carriers for the transportation of various commodities from and to points in central and north-central Indiana and points east thereof to and from points west of certain Mississippi River crossings and west of Chicago found legally applicable. Complaints dismissed.

*Duluth Chamber of Commerce v. Chicago & N. W. Ry. Co.*, 156 I. C. C. 156.

1256. On further argument, findings in previous reports, 120 I. C. C. 683 and 144 I. C. C. 179, that rates on butter, eggs, and dressed poultry, in carloads, from points in North Dakota, South Dakota, and portions of Minnesota and Nebraska to Duluth, Minn., are and for the future will be unreasonable and unduly prejudicial to Duluth and unduly preferential of Chicago, Ill., affirmed. Order in 144 I. C. C. 179 requiring the establishment of the bases of rates therein named canceled and reasonable and nonprejudicial bases of rates prescribed for the future.

1257. Findings in previous reports that the maintenance of concentration arrangements by the Chicago & North Western at points in South Dakota and Nebraska on traffic to Chicago and the failure to maintain similar arrangements on traffic to Duluth resulted in undue prejudice against Duluth and undue preference of Chicago affirmed. Undue prejudice ordered removed.

1258. Complaint in No. 15824 dismissed.

*Liberty Cooperage & Lumber Co. v. Pennsylvania R. Co.*, 156 I. C. C. 175.

1259. Rate on a carload of rough lumber from Upland, Ind., to Union City, Pa., found not unreasonable. Complaint dismissed.

*O'Keefe & Merritt v. Chicago, R. I. & P. Ry. Co.*, 156 I. C. C. 177.

1260. Rates charged on gas stoves and stove-pipe elbows, in straight or mixed carloads from Los Angeles, Calif., to Oklahoma City, Okla., Kansas City, Mo., Dallas, Tex., and Atchison, Kans., found unreasonable. Reparation awarded.

*Austin Machinery Co. v. Seaboard A. L. Ry. Co.*, 156 I. C. C. 181.

1261. Minimum weight applied from Indianapolis, Ind., to Jacksonville, Fla., on shipments of excavators destined to West Palm Beach, Largo, Arcadia, and Sorrento, Fla., found applicable. Rates charged beyond Jacksonville found inapplicable. Reparation awarded.

*Blanchard Lumber Co. v. Boston & M. R.*, 156 I. C. C. 185.

1262. Failure of defendants to include Medford station within the switching limits at Boston found neither unjustly discriminatory nor unduly prejudicial. Complaint dismissed.

*Export bill of lading*, 156 I. C. C. 188.

1263. Proposed change suggested by the United States Shipping Board in condition 1 (b) of Part II of the uniform through export bill of lading making general average payable according to the York-Antwerp rules of 1924, with certain exceptions, instead of according to the York-Antwerp rules of 1890, approved.

*Southwestern Brick Cases*, 156 I. C. C. 191.

1264. Upon further hearing, finding in supplemental report in No. 14617, and related cases, 133, I. C. C. 169, with respect to the method of computing distances, modified. Original report, 107 I. C. C. 681.

1265. Grouping of Arkansas brick-producing points in connection with traffic destined to Mississippi River crossings, Memphis, Tenn., and south, approved.

1266. Complainants' request for the grouping of Texas brick-producing points in connection with traffic destined to lower Mississippi River crossings denied.

1267. Requests for modification of findings with respect to rates on common brick denied.



1268. Defendants authorized to apply to the transportation of brick and related articles from southwestern points to Memphis, Tenn., in addition to the maximum rates previously prescribed, a bridge arbitrary of 1 cent per 100 pounds.

1269. Findings in No. 16124, affirmed. Former report, 128 I. C. C. 715.

*Constructive and off-track railroad freight stations*, 156 I. C. C. 205.

Upon consideration of the practices of carriers serving or holding themselves out to serve Manhattan Island, N. Y., in respect of the use of motor trucks and inland or constructive stations in the receipt and delivery of freight, *Found*:

1270. That the commission is without power under the interstate commerce act to require carriers to establish store-door receipt and delivery.

1271. That the present operation of constructive-station service and of trucking in lieu of lighterage as practiced by the New York Central, Central Railroad of New Jersey, and Baltimore & Ohio can not be sanctioned because of the plain tendency to create violations of sections 2 and 3 of the act, and because said services, as now operated, are not compatible with the provisions of section 15a of the act.

1272. That respondents in I. and S. No. 3100 should be permitted to discontinue the present constructive-station service and to limit the practice of trucking in lieu of lighterage to the interchange of traffic between connecting railroad and steamship lines, as proposed.

1273. That the constructive station now maintained by the New York, New Haven & Hartford must be discontinued because it is in violation of section 2 of the act; and the proposal of the New York Central to continue the practice of constructive lighterage on traffic to and from New England, in order to meet the competition of the said constructive station, is also denied.

*Patterson Produce Co. v. Gulf, C. & S. F. Ry. Co.*, 156 I. C. C. 238.

1274. Rate on live poultry in carloads, from various points in Texas to New Orleans, La., found not unreasonable. Complaint dismissed.

*Southern Glass Co. v. Southern P. Co.*, 156 I. C. C. 241.

1275. Rates on glass bottles, in carloads, from Los Angeles, Calif., to El Paso and Waco, Tex., and Jaynes, Ariz., found unreasonable. Reparation awarded.

*Woodsum Coal Co. v. New York, N. H. & H. R. Co.*, 156 I. C. C. 243.

1276. Rate on anthracite coal, in carloads, from producing points in Pennsylvania to South Braintree and Mattapan, Mass., found not unreasonable, unjustly discriminatory, or in violation of the long-and-short-haul provision of section 4 of the act, but unduly prejudicial. Undue prejudice order removed. Reparation denied.

*Arnold Fruit Co. v. Southern Ry. Co.*, 156 I. C. C. 247.

1277. Rates on fresh tomatoes, in carloads, from Asheville, Hendersonville, Spindale, and Waynesville, N. C., to Jacksonville, Fla., found unreasonable. Reparation awarded.

*Gamble & Stockton Co. v. Atlantic C. L. R. Co.*, 156 I. C. C. 250.

1278. Rates applicable on crude shale, in carloads, from Melville (now Daisy), Tenn., to Dixton, Fla., found to have been unreasonable only to the extent it exceeded the rate charged. Waiver of undercharges authorized and complaint dismissed.

*American Cross Arm Co. v. Norfolk & W. Ry. Co.*, 156 I. C. C. 253.

1279. Rates on wooden insulator pins, in carloads, from Thaxton and Boones Mill, Va., to Jacksonville, Fla., found unreasonable. Reparation awarded.

*Milne Lumber Co. v. Missouri P. R. Co.*, 156 I. C. C. 255.

1280. Charges assessed on certain cars of lumber from points in Louisiana to points in Ohio, Michigan, and New York found inapplicable. Case held open pending adjustment in accordance with the findings herein.

*Feigenspan v. Central R. Co. of N. J.*, 156 I. C. C. 258.

1281. German anthracite and briquettes (ovoids) unloaded from vessels into rail cars at piers in Jersey City, N. J., and shipped thence by rail in carloads to Newark and Port Newark, N. J., found to have moved in foreign



commerce subject to the jurisdiction of this commission in so far as such transportation took place in the United States. Rate charged thereon found unreasonable. Reparation awarded.

*Buckeye Clay Pot Co. v. Akron & B. B. R. Co.*, 156 I. C. C. 264.

1282. Rates on broken glasshouse pots and broken tank blocks, in carloads, from all points in official territory to Toledo and Steubenville, Ohio, Muncie, Ind., and Pittsburgh, Pa., found not unreasonable. Complaint dismissed.

*Breece Lumber Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 268.

1283. Rates on lumber and box shooks from Albuquerque, N. Mex., to Durango, Colo., and Riverside, Cedar Hill, Aztec, Flora Vista, and Farmington, N. Mex., found not unjustly discriminatory but unreasonable. Rates for the future prescribed and reparation awarded.

*Lanett Bleachery & Dye Works v. Duluth, S. S. & A. Ry. Co.*, 156 I. C. C. 273.

1284. Rate on acetate of iron, in tank-car loads, from Marquette, Mich., to Lanett, Ala., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

*Candy from Dallas and Fort Worth*, 156 I. C. C. 277.

1285. Proposed increased rates on candy, in less than carloads, from Dallas and Fort Worth, Tex., to certain destinations in New Mexico and Arizona found not justified. Suspended schedules ordered canceled and proceeding discontinued without prejudice to the filing of new schedules in conformity with the views expressed herein.

*Watters-Tonge Lumber Co. v. Louisville & N. R. Co.*, 156 I. C. C. 281.

1286. Carload of yellow-pine lumber shipped from White, Ga., to Louisville, Ky., and reconsigned to Huntington, W. Va., found to have been overcharged and misrouted. Reparation awarded.

*Mutual Cotton & Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 284.

1287. Rate on jute cotton-bale covering, in carloads, from Norfolk, Va., to Phoenix, Ariz., found unreasonable. Reparation awarded.

*Milne Lumber Co. v. Illinois C. R. Co.*, 156 I. C. C. 287.

1288. Demurrage collected for detention of a carload of lumber at Detroit, Mich., found applicable. Complaint dismissed.

1289. Demurrage collected for detention of a carload of lumber at Detroit, Mich., found inapplicable. Reparation awarded.

*Milne Lumber Co. v. Chicago, I. & L. Ry. Co.*, 156 I. C. C. 293.

1290. Movement of one carload of lumber within the Chicago, Ill., switching district, previously shipped from Bagdad Junction, Fla., to Chicago, Ill., found to have been intrastate. Demurrage and team-track storage charges on the interstate movement found applicable. Complaint dismissed.

1291. Demurrage collected at Detroit, Mich., on a carload of lumber from Atmar, Tex., reconsigned in transit at Herrick, Ill., found applicable in part. Refund of overcharge directed. Complaint dismissed.

*Meats and packing-house products*, 156 I. C. C. 299.

1292. Upon reconsideration, prior reports, 136 I. C. C. 651, 147 I. C. C., 330, and 148 I. C. C. 515, modified as indicated herein.

*Olds & Whipple v. Norfolk S. R. Co.*, 156 I. C. C. 303.

1293. Rates on dry fish scrap, in carloads, from Morehead City, N. C., to East Hartford, Conn., found unreasonable. Reparation awarded.

*Hudson Peanut Co. v. Southern Ry. Co.*, 156 I. C. C. 307.

1294. Less-than-carload ratings in southern and western territories on salted peanuts, in cans or cartons, in barrels or boxes, found not unreasonable. Complaint dismissed.

*Salem Brass & Iron Mfg. Co. v. Central R. Co. of N. J.*, 156 I. C. C. 312.

1295. Rates on cast-iron pipe and fittings, in carloads, from Bridgeton, N. J., to certain points in New York Harbor, N. Y., and points on the South Brooklyn Railway and Long Island Railroad, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Knoxville Freight Bureau v. Southern Ry. Co.*, 156 I. C. C. 315.

1296. Rate on wood-pulp board, in carloads, from Knoxville, Tenn., to Boston, Mass., and points taking the same rates found not unreasonable or unduly prejudicial.

1297. Rates on like traffic from Knoxville to New York, N. Y., Philadelphia, Pa., and Baltimore, Md., and points taking the same rates, found unreasonable but not unduly prejudicial. Reasonable rates prescribed and reparation awarded. Removal of specified fourth-section violations directed.

*Leonard, Crosset & Riley v. Aransas H. T. Ry.*, 156 I. C. C. 321.

1298. Upon reconsideration several statements in the former report, 155 I. C. C. 89, restated without change in conclusions.

*La. Iron & Supply Co. v. Missouri-K.-T. R. Co.*, 156 I. C. C. 323.

1299. Rates charged on second-hand wrought-iron pipe, in carloads, from Beggs, Cleveland, and Tulsa, Okla., to El Dorado and Smackover, Ark., found not unreasonable. Complaint dismissed.

*Ariz. Grocery Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 325.

1300. Carload rates on potatoes from points in Washington, Oregon, and Idaho to Phoenix and Tucson, Ariz., found not unreasonable. Complaint dismissed.

*Carson, Pirie, Scott & Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 329.

1301. Upon reconsideration, finding in former report, 129 I. C. C. 446, that the ratings of first class, any quantity, on cloth and fabric carpets and rugs, value declared or released to not exceeding \$125 per 100 pounds, in official, southern, and western territories, were not unreasonable or unduly prejudicial affirmed as to the past, but carload rating of second class found reasonable for the future. Reparation denied.

*Austin Powder Co. v. Wheeling & L. E. Ry. Co.*, 56 I. C. C. 334.

1302. Findings in prior report in Docket No. 18464, 139 I. C. C. 351, that second-class rates on black powder, in carloads, from Falls Junction, Ohio, to Booneville, Evansville, and Oakland City, Ind., and Coopers and Sparta, Ill., were not unreasonable, affirmed.

1303. Finding in prior report in Docket No. 15924, 96 I. C. C. 271, that second-class rates on black powder, in carloads, from Quaker Falls, Pa., to certain destinations in Indiana and Illinois were unreasonable, reversed. Rates as sailed found not unreasonable or otherwise unlawful.

1304. Finding in prior report in Docket No. 16938, 128 I. C. C. 705, that first-class rates on black powder, in carloads, from Oriental siding, Fairchance, Pa., to destinations on the Western Maryland were unduly prejudicial but not unreasonable or unjustly discriminatory, affirmed.

*Brown Paper Mills Co. v. Inland W. Corp.*, 156 I. C. C. 339.

1305. Rate charged on 14 carloads of sulphate of alumina from St. Louis, Mo., to West Monroe, La., found applicable. Complaint dismissed.

*Ornamental Stone Co. v. Southern Ry. Co.*, 156 I. C. C. 343.

1306. Rates charged on artificial stone, in carloads, from Charlotte, N. C., to destinations in South Carolina found to have been unreasonable and unduly prejudicial. Reparation awarded.

*Prine Lumber Co. v. Ann A. R. Co.*, 156 I. C. C. 349.

1307. Rates on lumber, in carloads, from Quincy and Littman, Fla., to points in central, trunk-line, and New England territories found not to have been or to be unreasonable, and from Littman to the same destinations not to be unduly prejudicial. Complaint dismissed.

*Woodward & Son v. Southern Ry. Co.*, 156 I. C. C. 354.

1308. Finding in prior reports, 146 I. C. C. 583, 153 I. C. C. 575, that the movement of a car of gum lumber from Maiden to Liberty, N. C., was separate from and independent of the preceding interstate movement to Maiden, from which point it was reconsigned to Liberty by a second reconsignment, and was intrastate in character, reversed.

1309. Application of a reconsignment charge, in addition to the applicable interstate combination line-haul rates to and from Maiden, N. C., for forwarding the shipment from Maiden to Liberty, N. C., found to have been and for the



future to be unreasonable. Defendants required to cease and desist from application of a reconsignment charge to further like shipments, and reparation awarded.

*Interstate Commerce Commission v. Kansas C. S. Ry. Co.*, 156 I. C. C. 359.

1310. Proceedings upon complaint against the Kansas City Southern Railway Company alleging violation of the Clayton Act in acquiring capital stock of the St. Louis Southwestern Railway Company and the Missouri-Kansas-Texas Railroad Company discontinued upon showing that respondent has divested itself of stock so acquired.

*Welch Grape Juice Co. v. Abilene & S. Ry. Co.*, 156 I. C. C. 367.

1311. On reconsideration, carload ratings on unfermented grape juice, in glass bottles packed in barrels or boxes, in official, southern, and western classifications, found unreasonable. Reasonable ratings prescribed and original decision, 147 I. C. C. 361, modified.

*Stauffer Chemical Co. v. Pacific E. Ry. Co.*, 156 I. C. C. 369.

1312. Upon reconsideration findings in original report herein, 148 I. C. C. 519, that rates from San Pedro, East San Pedro, and Wilmington, Calif., to Los Angeles, Calif., and from San Pedro to El Segundo, Calif., on crude sulphur, in carloads, received at Los Angeles Harbor by boat, were not and are not unreasonable, reversed. Reasonable rates prescribed and reparation awarded.

*Stickell & Sons v. Pennsylvania R. Co.*, 156 I. C. C. 373.

1313. On reconsideration, assessment and collection of switching charges to and from an off-line mill on transited shipments of grain at Hagerstown, Md., found to have resulted in overcharges on shipments which left point of origin prior to May 14, 1926, but not on shipments which left point of origin on and after that date; refusal to absorb such charges on latter shipments found not unreasonable or otherwise unlawful. Original report, 151 I. C. C. 364, affirmed.

*Canned goods between California and other States*, 156 I. C. C. 375.

1314. Proposed schedules increasing and reducing rates on canned goods, in carloads, between San Francisco, Calif., and points grouped therewith, and Portland, Oreg., Tacoma and Seattle, Wash., and related points, on the one hand, and points on respondents' lines in interior Oregon, Washington, Idaho, and Montana, on the other hand, found justified with certain exceptions. Proposed schedules ordered canceled without prejudice to filing of new schedules in accordance with the findings.

1315. On further hearing in No. 17562 finding of division 4, 129 I. C. C. 591-606, modified.

*Higginbotham-Bartlett Co. v. Abilene & S. Ry. Co.*, 156 I. C. C. 390.

1316. Upon further consideration, findings in original report, 136 I. C. C. 231, that rates on building and roofing materials, in carloads, from St. Louis and Kansas City, Mo., Chicago, Peoria, and Marseilles, Ill., Minneapolis, Minn., Cincinnati, Ohio, and New Orleans, La., and points taking the same rate or rates based on the rates from such points, to destinations in southern Kansas, Oklahoma, and Texas, were not unreasonable or otherwise unlawful, reversed, except with respect to the rates to southern Kansas destinations. Finding that the rates to southern Kansas destinations were not unreasonable except as to shipments embraced in No. 17123 which moved under tariffs subject to rule 77 of Tariff Circular 18-A, affirmed. Reparation awarded.

1317. Previous findings that the rates on the same commodities, in carloads, from Kansas City and St. Louis, Mo., Chicago, and Marseilles, Ill., and points taking the same rates, from Port Huron, Mich., and from Lockland, Ohio, to Denver, Colorado Springs, Pueblo, Longmont, and Greeley, Colo., were not and are not unreasonable, affirmed. Complaints in Nos. 17481, 16637, and 16637 (Sub-Nos. 1 and 2) dismissed. Prior reports, 126 I. C. C. 475 and 136 I. C. C. 231.

*Tankage from Davenport*, 156 I. C. C. 402.

1318. Proposed increased interstate rate on tankage, in carloads, from Davenport, Iowa, and related points to Chicago, Ill., and points taking the same rates found not justified. Suspended schedules ordered canceled, and proceeding discontinued.



*Decker & Sons v. Chicago & N. W. Ry. Co.*, 156 I. C. C. 405.

1319. Upon further hearing findings in former report, 126 I. C. C. 551, that combinations of local rates to and from Huron, S. Dak., charged on carload shipments of hogs from certain points in North Dakota and South Dakota, double decked in transit at Huron, and reforwarded to Mason City, Iowa, were unreasonable, but not unduly prejudicial or in violation of section 6 of the interstate commerce act, and awarding reparation, affirmed, with certain modifications. Similar findings made with respect to shipments of hogs in single-deck and double-deck cars, respectively, from the same origins to Mason City. Findings of former report modified accordingly.

*Reciprocal Switching Charges at South Bend*, 156 I. C. C. 410.

1320. Proposed increased reciprocal switching charge at South Bend, Ind., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Winterburn v. Central of G. Ry. Co.*, 156 I. C. C. 413.

1321. Rates charged on two shipments of steam road rollers, in carloads, from Harvey, Ill., to Ojus and Miami Shores, Fla., found inapplicable. Reparation awarded.

*Krupp Foundry Co. v. Southern Ry. Co.*, 156 I. C. C. 415.

1322. Upon further consideration scale prescribed in the original report, 148 I. C. C. 743, for removal of undue prejudice and undue preference found to exist and its application modified. Order requiring removal of undue prejudice entered.

*Arizona Corporation Commission v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 418.

1323. Rates on petroleum products, in carloads, from points in southern California to destinations in Arizona and New Mexico found unreasonable, but not unjustly discriminatory or unduly prejudicial. Reasonable rates prescribed for the future. Reparation awarded on shipments which moved prior to August 6, 1926.

1324. Rates on the same commodities, in carloads, from El Segundo, Calif., to Cananea, Mexico, found not unreasonable or otherwise unlawful.

*Badger Lumber & Coal Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 427.

1325. Upon reargument, finding in former report, 146 I. C. C. 199, that complainant is entitled to an award of damages as the result of alleged misrouting of a carload of shingles from Blaine, Wash., consigned originally to Alliance, Nebr., and diverted to Abilene, Kans., reversed. Complaint dismissed.

*Caruso & Co. v. St. Louis-S. F. Ry. Co.*, 156 I. C. C. 429.

1326. Rate charged on strawberries, in carloads, from Springdale, Ark., and Sarcoxie and Wentworth, Mo., to Logansport, Ind., found applicable. Complaint dismissed.

*Cores, Paper Winding, Returned to New Eng. Points*, 156 I. C. C. 431.

1327. Proposed cancellation of less-than-carload commodity rates and of the application of certain fifth-class rates on cores, paper winding, in less than carloads, from certain points in New York and New England to points in New England found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Bigelow-Hartford Carpet Co. v. New York, N. H. & H. R. Co.*, 156 I. C. C. 435.

1328. Rates on imported carpet wool, in the grease, in machine-pressed bales, in carloads, from docks and piers in Boston and East Boston, Mass., to Thompsonville, Conn., and from New York Harbor points to Clinton, Mass., and Thompsonville, found unreasonable. Reparation awarded.

1329. Findings in 148 I. C. C. 775 that the proposed cancellation of carload import rates on wool, in the grease, in machine-pressed bales, from New York Harbor points to Clinton, Mass., was not justified, affirmed upon reconsideration. Suspension proceeding discontinued.

*Wallace Coal Co. v. St. Louis & H. R. Co.*, 156 I. C. C. 441.

1330. Applicable freight charges on carload of anthracite coal from Shamokin, Pa., originally consigned to St. Louis, Mo., there reconsigned to St. Charles, Mo., and thence reconsigned to Bowling Green, Mo., based upon the combination of

rates to and from St. Louis to St. Charles, plus the local rate from St. Charles to Bowling Green, found not unreasonable; but the collection of reconsignment charges in addition thereto found unreasonable. Discontinuance of such reconsignment charges required and reparation awarded.

*Cooper & Nephews v. Baltimore & O. R. Co.*, 156 I. C. C. 444.

1331. Rates on benzol, in tank-car loads, from Cleveland and Youngstown, Ohio, to Good Hope and Norco, La., for export, found not unreasonable, but unduly prejudicial. Nonprejudicial rates prescribed. Reparation denied.

*Kelly Milling Co. v. Atchinson, T. & S. F. Ry. Co.*, 156 I. C. C. 447.

1332. Findings in former report herein, 146 I. C. C. 479, that the rates on coal and coke, in carloads, from producing points in Colorado and New Mexico to destinations in Kansas, Nebraska, and South Dakota were not unreasonable prior to August 4, 1925, affirmed upon reconsideration. Finding with respect to the reasonableness of the rates assailed on and after that date withheld and proceeding held open pending the publication of rates in conformity with the findings in *Colo. & N. Mex. Coal Operators Asso. v. D. & R. G. W. R. R. Co.*, 98 I. C. C. 377.

*N. J. Lumbermen's Committee v. Atlantic C. L. R. Co.*, 156 I. C. C. 455.

1333. Reparation awarded on shipments of lumber from points in southeastern and Carolina territories and Virginia cities to Newark and Weehawken, N. J. Former report, 120 I. C. C. 329.

*Roofing and Building Materials*, 156 I. C. C. 458.

1334. Proposed increased rates on prepared roofing, roofing and building paper, and certain other related articles, in carloads, from trunk-line and New England territories to points in central territory and between Cincinnati, Ohio, and Covington and Newport, Ky., found not justified. Suspended schedules ordered canceled.

*Panels, Veneered, from South Pacific Coast Territory*, 156 I. C. C. 465.

1335. Proposed cancellation of joint commodity rates on veneered panels and doors, and battery separator material, in carloads, from various points in the United States to destinations in eastern Canada found not in violation of the interstate commerce act. Orders of suspension vacated and proceedings discontinued.

*Amer. Motor Body Corp. v. Baltimore & O. R. Co.*, 156 I. C. C. 467.

1336. Alleged unreasonableness of rates on iron and steel articles from points in Pennsylvania, West Virginia, and Ohio, to Philadelphia, Pa., adjusted in general investigation *Iron and Steel Articles*, 155 I. C. C. 517. Complaint dismissed.

*Gastonia & Suburban Gas Co. v. Pennsylvania R. Co.*, 156 I. C. C. 469.

1337. Rate charged on a carload of hydrated iron ore from Falls Creek, Pa., to Gastonia, N. C., found to have been unreasonable and in violation of the aggregate-of-intermediates provision of section 4 of the act. Reparation awarded.

*Chaffee R. Co. v. Western M. Ry. Co.*, 156 I. C. C. 471.

1338. Upon further hearing findings in former report 102 I. C. C. 53, fixing a just, reasonable, and equitable division to be received by the Chaffee Railroad Company out of the joint rates on coal originating on that line, and prescribing a basis for payment by that carrier for use or detention of foreign cars modified to the extent that said division may not be given retroactive application. Order previously entered changed accordingly.

*Application of New York, N. H. & H. R. Co.*, 156 I. C. C. 479.

1339. Upon supplemental application, modification of the findings in our prior report 50 I. C. C. 634, and amendment to our order of July 10, 1918, to permit performance by the New England Steamship Company instead of the Hartford & New York Transportation Company of steamers service between New York, N. Y., and Hartford, Conn., and other landings on the Connecticut River, found unnecessary.

*Whittemore's Sons v. New York, N. H. & H. R. Co.*, 156 I. C. C. 481.

1340. Upon further hearing findings in former report, 122 I. C. C. 451, that the rate on anthracite coal, in carloads, from points in Pennsylvania to West



Roxbury, Mass., was not unreasonable or unduly prejudicial, affirmed. Complaint dismissed.

*Okla. Salvage & Supply Co. v. Wichita F., R. & F. W. R. Co.*, 156 I. C. C. 484.

1341. Reparation awarded on shipments of iron pipe and casing, in carloads, from Edhobby and Jakehamon, Tex. to Okhulgee, Okla.

*Aluminum Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 486.

1342. Upon reconsideration, carload rating in western classification for plate and sheet aluminum found unreasonable. Reasonable rating prescribed. Findings in original report, 146 I. C. C. 363, in this respect modified, but in all other respects, in so far as here reconsidered, affirmed.

*Amer. Cellulose & Chemical Mfg. Co. v. Pennsylvania R. Co.*, 156 I. C. C. 489.

1343. Upon reconsideration, rate on common sand, in carloads, from Menantico, N. J., to Amcelle, Md., found unreasonable and in violation of the aggregate-of-intermediates provision of section 4 of the interstate commerce act and rate on gravel, in carloads, from and to the same points found unreasonable but not otherwise unlawful. Original report, 148 I. C. C. 70, reversed in part.

*Federated Metals Corp. v. Pennsylvania R. Co.*, 156 I. C. C. 491.

1344. Findings in original report, 152 I. C. C. 483, reversed in part. Carload rates to Pittsburgh, Pa., on copper ingots from Canton, Ohio, and copper scrap from Rochester and Syracuse, N. Y., and from Pittsburgh on brass and copper ingots to Mansfield, Pa., Dover, Toronto, and Youngstown, Ohio, Follansbee, W. Va., and Rochester, and Syracuse in effect prior to January 27, 1927, found not unreasonable. An appropriate order entered.

*Nu-Shine Co. v. Alabama & V. Ry. Co.*, 156 I. C. C. 495.

1345. Rating of first class in official, southern, and western classifications on liquid shoes and leather dressing, in glass, packed in boxes, in less than carloads, found not unreasonable. Complaint dismissed.

*Livestock from points west of the Mississippi River*, 156 I. C. C. 498.

1346. Proposed proportional rates on cattle, calves, hogs, sheep, and goats, in carloads, lower than corresponding local rates from points in Wisconsin and Minnesota to Chicago, Ill., and from points generally in western trunk-line, southwestern, and adjacent territories to St. Louis, Mo., and certain Mississippi River crossings north thereof, applicable on traffic destined to points in central, trunk-line, and New England territories, with proposed concurrent cancellation of the application of the so-called combination rule found justified to the extent indicated in the report.

1347. Proposed cancellation of application of the combination rule in connection with rates on horses and mules, on other classes of livestock applicable on traffic destined to points east of the Mississippi River or Chicago other than those in central, trunk-line, and New England territories, and on livestock from and to points west of the Mississippi River which are not used in making through rates to points in central, trunk-line, and New England territories, and certain proposed proportional rates in lieu of the combination rule found not justified.

1348. Suspended schedules ordered canceled, except those found justified, as to which order of suspension vacated. Proceedings discontinued.

*Loose-Wiles Biscuit Co. v. Eastern S. S. Lines*, 156 I. C. S. 512.

1349. Fourth-class rating and rates applicable to transportation of dried figs, other than candied, crystallized, glazed, or stuffed, in carloads, between points in official and western classification territories, in effect prior to May 4, 1928, and present fifth-class rating and rates applicable thereto, found not unreasonable.

1350. Fourth-class rates applicable to transportation of dried or evaporated dates, in bulk, in barrels or boxes, or in inner containers other than glass or earthenware in barrels or boxes, in straight carloads or with figs in mixed carloads, from New York, N. Y., and Weehawken and Manhattan Pier, N. J., to Omaha, Nebr., found not to have been unreasonable prior to May 4, 1928, but to have been unreasonable since that date to the extent that they have exceeded the contemporaneous fifth-class rates, carload minimum weight 36,000 pounds. Reparation awarded. Fifth-class rating prescribed as maximum for future.



1351. Rate applicable to ocean-rail transportation of figs, in bulk, in bags, in carloads, from New York, N. Y., to Dallas, Tex., found not to have been unreasonable prior to May 4, 1928, but rates applicable since that date found to have been unreasonable to the extent that they have exceeded the contemporaneous fifth-class rates, carload minimum weight 36,000 pounds. Reparation awarded. Fifth-class rating prescribed as maximum for future.

*Concord Chamber of Commerce v. Boston & M. R.*, 156 I. C. C. 518.

1352. Rate charged on hammered building granite, in carloads, from Concord, N. H., to Jersey City, N. J., found applicable but unreasonable. Reparation awarded.

*Royster Guano Co. v. Atlantic C. L. R. Co.*, 156 I. C. C. 522.

1353. Rate on refuse peanuts, in carloads, from Suffolk, Va., to Tarboro, N. C., found not unreasonable. Complaint dismissed.

*Milne Lumber Co. v. Missouri P. R. Co.*, 156 I. C. C. 524.

1354. Demurrage charges collected for detention of a shipment of lumber at Buffalo, N. Y., originating at Wilmar, Ark., found applicable in part. Reparation awarded.

1355. Demurrage charges collected for detention of a shipment of lumber at Wyandotte, Mich., originating at Meridian, Miss., found inapplicable in part. Demurrage charges collected for detention at Detroit, Mich., found applicable in part. Freight charges from Detroit to Wyandotte and from Wyandotte to Detroit found inapplicable. Reparation awarded.

1356. Demurrage charges collected for detention of a shipment of lumber at Herrick, Ill., and Detroit, Mich., originating at Haslam, Tex., found inapplicable in part. Reparation awarded.

1357. Shipment of lumber from Monroe, La., to Detroit, Mich., found misrouted. Freight charges over route of movement found inapplicable in part. Demurrage charges collected at Detroit, Mich., found inapplicable in part. Reparation awarded.

1358. Shipment of lumber from Haslam, Tex., to Detroit, found misrouted. Freight charges over route of movement found inapplicable in part. Demurrage charges collected at Madison, Ill., and Detroit, Mich., found inapplicable in part. Reparation awarded.

*Walker Lumber Co. v. Seaboard A. L. Ry. Co.*, 156 I. C. C. 545.

1359. Rate on gum logs, in carloads, from Lugoff, S. C., to Salisbury, N. C., found not unreasonable. Complaint dismissed.

*Baker-Hanna-Blake Co. v. Aberdeen & R. R. Co.*, 156 I. C. C. 547.

1360. Upon reconsideration with respect to reparation, basis of reparation in former report, 151 I. C. C. 626, on certain shipments of cotton piece goods, any quantity, from points in Texas to Oklahoma City, Okla., modified.

*National Mill & Lumber Co. v. Southern P. Co.*, 156 I. C. C. 549.

1361. Rate charged on two carloads of wooden flag poles, loose, from Sather, Calif., to Reno, Nev., found unreasonable. Reparation awarded.

*Lerio Patent Cup Co. v. Louisville & N. R. Co.*, 156 I. C. C. 551.

1362. Rate charged on one carload of galvanized-steel ice cans from Mobile, Ala., to Eagle Pass, Tex., found unreasonable. Reparation awarded.

*Toronto Fire Clay Co. v. Pennsylvania R. Co.*, 156 I. C. C. 553.

1363. Rate on paving brick, in carloads, from Empire, Ohio, to Coraopolis, Pa., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Little Rock Chamber of Commerce v. Alabama G. S. R. Co.*, 156 I. C. C. 555.

1364. Findings in original report, 151 I. C. C. 331, regarding unjust discrimination and undue prejudice and preference resulting from intrastate rates in Louisiana on commercial fertilizer and acid phosphate, in carloads, affirmed and an order entered in accordance therewith.

*Texas Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 557.

1365. Rates on refined petroleum products, other than fuel oil, in carloads, from Gates and Port Arthur, Tex., and Tulsa, Okla., to destinations in Arizona and New Mexico, and from Wichita Falls, Tex., to Albuquerque, N. Mex., found unreasonable prior but not on or subsequent to August 6, 1926. Reparation awarded.

*Lobdell-Emery Mfg. Co. v. Ann A. R. Co.*, 156 I. C. C. 568.

1366. Rate charged on lumber, in carloads, from Green Valley, Ontario, Canada, to Alma, Mich., found inapplicable. Rate charged on lumber, in carloads, from Alexandria and Casselman, Ontario, Canada, to Alma found applicable. Applicable rates found unreasonable but not otherwise unlawful. Reparation awarded.

*Elimination of Routes on Citrus Fruit*, 156 I. C. C. 572.

1367. Proposed cancellation of certain of the routes now available in connection with joint rates applying on citrus fruit, in carloads, from points on component lines of the Missouri Pacific and Southern Pacific in southern Texas to certain points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin found not justified. Suspended schedules ordered canceled and proceeding discontinued without prejudice to the filing of new schedules in conformity with the views expressed herein.

*Lumber from Pacific Coast Points*, 156 I. C. C. 575.

1368. Proposed revision of rates on lumber and lumber articles from points in the California coast group and the Truckee-Hawley group to destinations in New Mexico, and to certain destinations in southern Colorado and in Texas, found justified. Order of suspension vacated, and proceeding discontinued.

*Hyman-Michaels Co. v. Illinois C. R. Co.*, 156 I. C. C. 581.

1369. Rates charged on old steel rails and angle bars, in carloads, from Paducah, Ky., to Winslow, Ind., found inapplicable. Reparation awarded. Applicable rates found not unreasonable.

*Bosarge v. Louisiana R. & Nav. Co.*, 156 I. C. C. 585.

1370. Carload rates on lubricating oil from Clinton, Tex., and on gas oil from Shreveport, La., to Bayou La Batre, Ala., found unreasonable. Reparation awarded.

*Ill. Malleable Iron Co. v. Chicago, I. & L. Ry. Co.*, 156 I. C. C. 588.

1371. Rates on coal, in carloads, from Oliver Springs, Tenn., to Chicago, Ill., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Steel City Lumber Co. v. Blue R. Ry. Co.*, 156 I. C. C. 592.

1372. Carload rate charged on lumber from West Union, S. C., to Boswell, N. C., found inapplicable. Reparation awarded.

*Griffin Company v. Great N. Ry. Co.*, 156 I. C. C. 595.

1373. Rate charged on one carload of smoked salt from Cincinnati, Ohio, to Watertown, S. Dak., found not unreasonable. Complaint dismissed.

*McDowell County Wholesale Co. v. New York C. R. Co.*, 156 I. C. C. 597.

1374. Less-than-carload shipment of canned apples from Morton, N. Y., to Welch, W. Va., found misrouted. Reparation awarded.

*Sculley v. Great N. Ry. Co.*, 156 I. C. C. 599.

1375. Charges collected on an air compressor, a gas engine, pump, and steam-shovel dipper and stack, in a mixed carload, from Spokane, Wash., to Garry, Mont., and return, found applicable in part. Refund of overcharges directed.

*Luten v. Central of G. Ry. Co.*, 156 I. C. C. 601.

1376. Rates charged on manure, in carloads, from Hartford, Ala., to Quincy, Fla., found unreasonable but not unduly preferential. Reparation awarded.

*Curtis Leather Co. v. Pennsylvania R. Co.*, 156 I. C. C. 604.

1377. On reconsideration findings in former report, 128 I. C. C. 627, with respect to rates on green-salted cattle hides, in carloads, from certain points in Indiana, Missouri, Illinois, Wisconsin, Kansas, Iowa, Nebraska, and Minnesota to Ludlow, Pa., modified to the extent of finding the applicable rates not unreasonable.

*Interstate Commerce Commission v. Baltimore & O. R. Co.*, 156 I. C. C. 607.

1378. The trust agreement herein may properly and should receive our approval upon the condition that there be full compliance with all the terms and conditions of the agreement by the parties thereto.



*Peterson v. Minneapolis, St. P. & S. S. M. Ry. Co.*, 156 I. C. C. 617.

1379. Charges collected on a contractor's outfit, carload, from Spooner, Wis., to Genola, Minn., found applicable. Complaint dismissed.

*Graver Corp. v. Southern Ry. Co.*, 156 I. C. C. 619.

1380. Rates charged on iron or steel tanks, in straight carloads, or in mixed carloads with boiler tubes and other iron or steel articles, from Louisville, Ky., to Shreveport, La., found to be in excess of those applicable. Reparation awarded.

*Interstate Sand & Gravel Co. v. Wabash Ry. Co.*, 156 I. C. C. 623.

1381. Rates on sand and gravel, in carloads, from Kern, Ind., to various destinations on the Wabash Railway in Illinois found unreasonable and unduly prejudicial. Reasonable rates prescribed for the future.

*Boydton Hay Co. v. Chicago, B. & Q. R. Co.*, 156 I. C. C. 626.

1382. Interstate rates on hay, in carloads, from certain points in Missouri moving over intrastate routes to Kansas City, Mo., and reforwarded with or without previous storage-in-transit service to interstate destinations found applicable. Complaint dismissed.

*National Knitted Outerwear Asso. v. Akron, C. & Y. Ry. Co.*, 156 I. C. C. 629.

1383. Any-quantity rating in official, southern, and western classifications on knit goods in fiber-board boxes of outside dimensions exceeding 70 united inches, found not unreasonable or otherwise unlawful. Complaint dismissed.

*Winterburn v. Seaboard A. L. Ry. Co.*, 156 I. C. C. 633.

1384. Rate on gravel, in carloads, from Montgomery, Ala., to Dickert and Falmouth, Fla., found not unreasonable. Complaint dismissed.

*Globe Grain & Milling Co. v. Southern P. Co.*, 156 I. C. C. 635.

1385. Combination rates charged on wheat and corn, in carloads, from points in Colorado, Kansas, and Iowa, twice stored in transit and reforwarded to Los Angeles, Calif., there milled and reshipped to destinations in California found applicable, and the tariff rules prohibiting such transit at joint rates found not unreasonable or unduly prejudicial. Complaint dismissed.

*Skelly Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 638.

1386. Rates on salt, in carloads, from Lyons and Hutchinson, Kans., and Sand Springs, Okla., to destinations in Texas, found unreasonable. Reparation awarded.

*Class rates from Utah and adjacent States*, 156 I. C. C. 641.

1387. Proposed joint class rates between points in western trunk-line and southwestern territories on the one hand, and points in Utah and other States on the other, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*East St. Louis Cotton Oil Co. v. Baltimore & O. R. Co.*, 156 I. C. C. 644.

1388. Rates on bituminous coal from mines in southern Illinois and western Kentucky to points in southeastern Missouri and northeastern Arkansas found unreasonable. Reasonable rates prescribed and reparation awarded.

*Federated Metals Corp. v. Chicago J. Ry.*, 156 I. C. C. 657.

1389. Rate on pig tin, in carloads, from East Liberty, Pa., to Chicago, Ill., found to have been unreasonable. Reparation awarded.

*Quinton Spelter Co. v. Chicago, R. I. & P. Ry. Co.*, 156 I. C. C. 659.

1390. Rates charged on salt, in carloads, from Hutchinson and Kanopolis, Kans., to Quinton, Okla., found unreasonable. Reparation awarded.

*Danner Veneer Co. v. Missouri P. R. Co.*, 156 I. C. C. 661.

1391. Carload rate charged on unfigured veneer from Mobile, Ala., to Fort Smith, Ark., found inapplicable. Reparation awarded.

*Texas Cement Plaster Co. v. Missouri-K.-T. R. Co.*, 156 I. C. C. 663.

1392. Rates on cement plaster, in carloads, from Plasterco Junction, Tex., to destinations in Florida found unreasonable and unduly prejudicial. Reparation awarded.



*Blackstrap molasses from Wilmington*, 156 I. C. C. 666.

1393. Proposed cancellation of commodity rates on blackstrap molasses, in carloads, from Wilmington, N. C., to points in Ohio found not justified. Suspended schedules ordered canceled and proceeding discontinued without prejudice to filing of new schedules conforming to the findings herein.

*Corbett v. Canadian P. Ry. Co.*, 156 I. C. C. 669.

1394. Collection of a reconsignment or diversion charge on coke and bituminous coal, in carloads, from points of origin in the United States originally billed to Detroit, Mich., and from there reconsigned or diverted to destinations in Canada, in addition to the rates to and from Detroit, found unreasonable. Reparation awarded and discontinuance of such reconsignment charge required.

*Rome Soap Mfg. Co. v. Central R. Co. of N. J.*, 156 I. C. C. 674.

1395. Rates charged on red oil, corn oil, and palm-kernel oil, in carloads, from Philadelphia, Pa., Clinton, Iowa, Chicago, Decatur, and East St. Louis, Ill., Gibson and Wolf Lake, Ind., Harbor Beach, Mich., Milwaukee, Wis., and Weehawken, N. J., to Rome, N. Y., found applicable and not unreasonable. Complaints dismissed.

*Babbitt Bros. Trading Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 677.

1396. Rate on sugar, in carloads, from Crockett, Calif., to Prescott, Ariz., found unreasonable. Reparation awarded.

*Switching charges at Louisville*, 156 I. C. C. 679.

1397. Proposed cancellation of switching charge between industries on the Missouri Pacific and the Chicago, Rock Island & Pacific at Louisville, Nebr., found not justified. Suspended schedule ordered canceled and proceeding discontinued.

*U. S. Hame Co. v. New York C. R. Co.*, 156 I. C. C. 683.

1398. Rating on iron or steel hame hooks, in less than carloads, found reasonable in official classification, but unreasonable in southern classification to the extent it exceeds third class. Reasonable rating prescribed for the future.

*Phoenix Horse Shoe Co. v. Chicago & A. R. Co.*, 156 I. C. C. 686.

1399. Rates on horseshoes and toe calks, in mixed carloads, from Joliet, Ill., to Wichita, Kans., found unreasonable. Reparation awarded.

*Cleveland Crane & Eng. Co. v. New York C. R. Co.*, 156 I. C. C. 689.

1400. Rate charged on electric traveling cranes, in carloads, from Wickliffe, Ohio, to Houston, Tex., found applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

*Philibosian v. Michigan C. R. Co.*, 156 I. C. C. 691.

1401. Any-quantity rate charged on rugs from Grand Rapids, Mich., to Dallas, Tex., found inapplicable. Reparation awarded.

*Pueblo Bridge & Construction Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 693.

1402. Rate on lumber, in carloads, from Pueblo, Colo., to Fort Sumner, N. Mex., found unreasonable but not otherwise unlawful. Reasonable rate prescribed and reparation awarded.

*Albers Bros. Milling Co. v. Oregon S. L. R. Co.*, 156 I. C. C. 695.

1403. Charges collected on two mixed carloads of second-hand grain-milling machinery and other articles shipped from Ogden, Utah, to Seattle, Wash., found inapplicable in part. Applicable rates found not unreasonable. Reparation for the overcharges awarded.

*Western Bridge & Construction Co. v. Chicago G. W. R. Co.*, 156 I. C. C. 698.

1404. Rate on creosote oil, in barrels, in carloads, from Chicago, Ill., to Omaha, Nebr., found unreasonable, but not otherwise unlawful. Reparation awarded.

*Jefferson Wood Working Co. v. Akron, C. & Y. Ry. Co.*, 156 I. C. C. 701.

1405. Carload and less-than-carload ratings on table slides in the white, in official, southern, and western classifications, found not unreasonable, except that the sixth-class carload rating in southern classification applicable to the

transportation of the commodity from Louisville, Ky., is found unreasonable to the extent that it exceeds seventh class. Reasonable rating prescribed.

*Simmons Construction Co. v. Norfolk S. R. Co.*, 156 I. C. C. 704.

1406. Rate on fuel oil in tank-car loads, from Norfolk, Va., to Mansfield, Newport, Morehead City, and Beaufort, N. C., found unreasonable. Reparation awarded.

*Arena & Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 707.

1407. Refrigeration charges on a carload of oranges from Lamanda Park, Calif., to Kansas City, Mo., and reconsigned to Baltimore, Md., found not unjustly discriminatory. Complaint dismissed.

*McCrory Engineering Corp. v. Seaboard A. L. Ry. Co.*, 156 I. C. C. 709.

1408. Rate charged on crushed stone, in carloads, from Columbia, S. C., to Sampson and Magnolia Grove, Fla., found inapplicable. Reparation awarded.

*Caruso, Rinella, Battaglia Co. v. Seaboard A. L. Ry. Co.*, 156 I. C. C. 712.

1409. Carload rates on peaches from certain producing points in Georgia, North Carolina, and South Carolina to Schenectady and other specified points in New York found not unreasonable on past shipments, but unreasonable for the future to the extent that they may exceed the basis prescribed in *Georgia Peach Growers Exch. v. A. G. S. R. R. Co.*, 139 I. C. C. 143, 148 I. C. C. 755. Allegations of unjust discrimination, undue prejudice, and violations of section 4 of the interstate commerce act not sustained. Complaints dismissed.

1410. Carload rates on potatoes from certain producing points in Virginia and North Carolina to specified points in New York found unreasonable for the future, but not otherwise unlawful. Reasonable rates prescribed.

*Mid-West Box Co. v. Michigan C. R. Co.*, 156 I. C. C. 719.

1411. Rates assailed found applicable to the extent that they were applied to the transportation of baled waste paper, in carloads, from Chicago, Ill., to Kokomo and La Fayette, Ind., over routes which included the Michigan Central and Chicago, Indianapolis & Louisville as initial line-haul carriers, but found inapplicable to the extent that they were applied to such transportation over routes which included the New York, Chicago & St. Louis as the initial line-haul carrier. Reparation awarded.

1412. Complaint in No. 20335 (Sub-No. 1) dismissed.

*Through routes and joint rates*, 156 I. C. C. 724.

1413. Certificate of public convenience and necessity granted to the Ohio & Mississippi Transit Company.

1414. Through routes and joint rates on coal, in carloads, from mining points on the Green River in Kentucky to destinations in Illinois and certain other States between Ohio & Mississippi Transit Company and rail carriers required.

*Hammond Lumber Co. v. Southern P. Co.*, 156 I. C. C. 731.

1415. Rates on fir poles and wooden piling, in single and multiple carloads, from certain points in Oregon to destinations in California found not unreasonable in the past, or unduly prejudicial, but unjust and unreasonable for the future. Just and reasonable basis of rates prescribed.

*Haydite Co. v. Chicago, B. & Q. R. Co.*, 156 I. C. C. 738.

1416. Rates on haydite, in carloads, from Kansas City, Mo., to Des Moines, Iowa, found not unreasonable or otherwise unlawful. Shipments found not to have been misrouted. Complaint dismissed.

*South St. Paul Horse Exch. v. Great N. Ry. Co.*, 156 I. C. C. 741.

1417. Rate charged on a mixed carload of 20 horses and 1 mule from Conrad, Mont., to South St. Paul, Minn., found inapplicable. Applicable rate found not unreasonable or in violation of the long-and-short-haul clause of section 4 of the interstate commerce act. Reparation awarded.

*Alabama Packing Co. v. Alabama & V. Ry. Co.*, 156 I. C. C. 743.

1418. Carload rates on cattle and hogs from Chicago and National Stock Yards, Ill., La Fayette and Indianapolis, Ind., Sioux City, Iowa, South Omaha, Nebr., Kansas City and South St. Joseph, Mo., Oklahoma City, Okla., Fort Worth, Tex., and various country points in Missouri to Birmingham, Ala., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Ruggles & Rademaker v. Akron, C. & Y. Ry. Co.*, 156 I. C. C. 749.

1419. Rates on salt, in carloads, from western Michigan to northern Missouri, Iowa, Wisconsin, Minnesota, Nebraska, South Dakota, and North Dakota, and from Kansas to Wisconsin, Minnesota, Nebraska, South Dakota, North Dakota, and Wyoming, found unreasonable and unduly prejudicial. Reasonable and nonprejudicial basis of rates prescribed. Reparation denied. *Salt Cases of 1923*, 92 I. C. C. 388, modified, in part.

*Rates to and from Lorraine*, 156 I. C. C. 769.

1420. Application of Louisiana Railway & Navigation Company of Texas for authority to establish and maintain interstate class and commodity rates between Lorraine, La.-Tex., and points in Louisiana lower than rates contemporaneously maintained from and to intermediate points denied.

*Spikes Bros. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 773.

1421. Interstate rates on broomcorn, in carloads, from certain points in Oklahoma and from Darrouzett and Gaylord, Tex., to Dallas, Fort Worth, Grand Prairie, and Round Rock, Tex., prior to July 14, 1928, found unreasonable. Reparation awarded.

*Creamery Package Mfg. Co. v. Boston & M. R.*, 156 I. C. C. 776.

1422. Finding in former report, 148 I. C. C. 381, that claims for refund of overcharges on certain shipments were barred by the statute of limitations, modified. Reparation awarded.

*Campbell Dairy Products Co. v. Erie R. Co.*, 156 I. C. C. 777.

1423. Rates on carload shipments of cream in 10-gallon cans, in passenger trains, from Homer, Mich., to Buffalo, N. Y., and destinations in trunk-line territory found unreasonable, but not unduly prejudicial. Basis for reasonable rates determined on past shipments and prescribed and reparation awarded.

1424. Charge for switching certain shipments at Buffalo, N. Y., found inapplicable. Reparation awarded.

*Massasoit Mfg. Co. v. New England S. S. Co.*, 156 I. C. C. 784.

1425. All-water rate on cotton mopheads, in less than carloads, from Fall River, Mass., to Pier 14, North River, New York, N. Y., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Bruce Co. v. Great N. Ry. Co.*, 156 I. C. C. 787.

1426. Rate on carload shipment of cedar poles from Colville, Wash., creosoted in transit at Sand Point, Idaho, destined to Glenrock, Wyo., on the Chicago, Burlington & Quincy, and charge for subsequent transfer to Glenrock on the Chicago & North Western found not unreasonable or otherwise unlawful. Complaint dismissed.

*Southern Builders Material Co. v. Alabama G. S. R. Co.*, 156 I. C. C. 789.

1427. Rates on sand-rubbed and polished marble, in carloads, from Knoxville, Tenn., to Shreveport, La., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*National Battery Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 793.

1428. Ratings and rates subject to official classification on impregnated fiber and rubber composition battery boxes, in straight and mixed carloads, from points in Ohio and Massachusetts to destinations in New York, Illinois, Missouri, and Minnesota, found unreasonable. Reparation awarded.

*Davies & Thomas Co. v. Central R. Co. of N. J.*, 156 I. C. C. 796.

1429. Fifth-class rates on cast-iron sugar-refinery retorts, in carloads, from Catasauqua, Pa., to Baltimore, Md., Boston, Mass., Edgewater, N. J., and Brooklyn, Long Island City, and Yonkers, N. Y., found not unreasonable. Complaint dismissed.

*Wichita Flour Mills Co. v. Atchison, T. & S. F. Ry. Co.*, 156 I. C. C. 799.

1430. Rates and charges collected on numerous carloads of wheat from points in Texas and Oklahoma to Wichita, Kans, there milled into flour and shipped to Galveston and Houston, Tex., for export, found applicable, except as indicated, and applicable rates found not unreasonable. Refund of overcharges directed. Complaint dismissed.



*Lemmon Grocery & Produce Co. v. Chicago, M. & St. P. Ry. Co.*, 157 I. C. C. 1.

1431. Rates on eggs, in carloads, from Lemmon, S. Dak., to Chicago, Ill., Milwaukee and Waterloo, Wis., found unreasonable. Reasonable rates prescribed for the future, and reparation awarded.

*Farmers' Grain & Trading Co. v. Minneapolis, St. P. & S. S. M. Ry. Co.*, 157 I. C. C. 5.

1432. Rates on rye, in carloads, from complainant's elevator in Westby Township, N. Dak., to Superior and Itasca, Wis., and Duluth and Minneapolis, Minn., found not unreasonable. Complaint dismissed.

*Ryerson & Son v. Chicago, M. & St. P. Ry. Co.*, 157 I. C. C. 8.

1433. Charges collected on an electric traveling crane loaded on three flat cars and shipped from West Allis, Wis., to Jersey City, N. J., based upon an excessive weight, found unreasonable. Reparation awarded.

*Kendrick Oil Co. v. Atchison, T. & S. F. Ry. Co.*, 157 I. C. C. 11.

1434. Rates charged, and those applicable, on petroleum gas oil, in tank-car loads, from Burkburnett and Borger, Tex., to Paducah, Ky., found unreasonable. Reparation awarded.

*Compression and concentration in transit of cotton and cotton linters*, 157 I. C. C. 15.

1435. Schedules proposing to cancel the right of shippers to designate Fabens, Tex., as a point of compression for their cotton and cotton linters originating in California, Arizona, and New Mexico, with absorption of the compress charge by respondents, found justified. Order of suspension vacated and proceeding discontinued.

*Perrine-Armstrong Co. v. Erie R. Co.*, 157 I. C. C. 22.

1436. Rate on rough lumber, in carloads, from Huntington and Markle, Ind., to Detroit, Mich., found not unreasonable or unduly prejudicial. Complaint dismissed.

*Hammer Dry Plate Co. v. Illinois C. R. Co.*, 157 I. C. C. 25.

1437. Rate charged on 92 carloads of imported window glass from New Orleans, La., to St. Louis, Mo., found not unreasonable. Complaint dismissed.

*Hutchinson Produce Co. v. Chicago, R. I. & P. Ry. Co.*, 156 I. C. C. 27.

1438. Rate charged on potatoes, in carloads, from Fort Smith, Ark., and Spiro, Okla., to Liberal, Kans., found unreasonable. Reparation awarded.

*American Beauty Macaroni Co. v. Union P. R. Co.*, 157 I. C. C. 29.

1439. Failure of defendants to provide for stoppage in transit to partly load or unload carload shipments of macaroni products, jams, jellies, and mince-meat, found not unreasonable or otherwise unlawful. Complaint dismissed.

*General Grinding Wheel Corp. v. Southern Ry. Co.*, 157 I. C. C. 34.

1440. Rate on abrasive grains, in carloads, from Anniston, Ala., to Philadelphia, Pa., found unreasonable. Reparation awarded.

*Watab Paper Co. v. Northern P. Ry. Co.*, 157 I. C. C. 37.

1441. Rates on bituminous fine coal, in carloads, from Duluth, Minn., and other head-of-the-Lakes points to Sartell, Minn., and from these origins and Ashland, Wis., to Little Falls, Minn., over an interstate route, found applicable, but not unreasonable, unjustly discriminatory, nor unduly prejudicial; and not in violation of the fourth section of the act, except to Little Falls. Defendant directed to remove fourth-section violation. Complaints dismissed.

*Meridian Traffic Bureau v. Northern A. Ry. Co.*, 157 I. C. C. 41.

1442. Rate on coal, in carloads, from Calumet and Bankhead, Ala., to Meridian, Miss., not shown unreasonable. Complaint dismissed.

*Carroll-Graham Bottle Co. v. Chicago & N. W. Ry. Co.*, 157 I. C. C. 43.

1443. Rate on glass bottles, in carloads, from Lapel, Ind., to Sheboygan and Manitowoc, Wis., found not unreasonable, but unduly prejudicial. Undue prejudice ordered removed. Reparation denied.

*Gaylord Company v. Cleveland, C., C. & St. L. Ry. Co.*, 157 I. C. C. 47.

1444. Rates charged on strawboard and ammoniacal liquor from Terre Haute, Ind., and on hides from Indianapolis, Ind., in carloads, to St. Louis, Mo., found inapplicable. Reparation awarded.

*Artesia Alfalfa Growers Asso. v. Atchison, T. & S. F. Ry. Co.*, 157 I. C. C. 50.

1445. Rate on cotton-gin machinery, in carloads, from Dallas, Tex., to Artesia, N. Mex., found not unreasonable. Complaint dismissed.

*Perrine-Armstrong Co. v. Baltimore & O. R. Co.*, 157 I. C. C. 53.

1446. Rates on saw logs, in carloads, from numerous points in Ohio to Fort Wayne and Columbia City, Ind., found not unreasonable or otherwise unlawful. Complaint dismissed.

*Peabody Lumber Co. v. Pennsylvania R. Co.*, 157 I. C. C. 56.

1447. Rate on rough lumber, in carloads, from Columbia City, Ind., to Lansing, Mich., found not unreasonable or otherwise unlawful.

1448. Rate on like traffic, in carloads, from Flora, Ind., to Chicago, Ill., found inapplicable. Applicable rate found not unreasonable. Reparation awarded.

*Gleason Works v. New York, N. H. & H. R. Co.*, 157 I. C. C. 59.

1449. Rate charged on sea sand, in carloads, from Provincetown, Mass., to Rochester, N. Y., found unreasonable. Reparation awarded.

*El Campo Rice Milling Co. v. Atchison, T. & S. F. Ry. Co.*, 157 I. C. C. 63.

1450. Defendants' failure to provide storage in transit at Beaumont, El Campo, Orange, and Sugar Land, Tex., on flour from points in western trunk-line and southwestern territories to destinations in Louisiana and Texas, when reforwarded in mixed carloads with grain and various grain products, found not unreasonable or unduly prejudicial. Complaint dismissed.

*Colonial Salt Co. v. Chicago & E. R. Co.*, 157 I. C. C. 67.

1451. Rates on salt, in carloads, from Akron, Wadsworth, and Cleveland, Ohio, and Detroit and St. Clair, Mich., to destination in Missouri and the Southwest found unreasonable. Reasonable rates prescribed. Reparation denied.

1452. Intrastate stoppage-in-transit arrangement in Missouri not shown to be violative of section 13 of the interstate commerce act.

1453. Proposed rates on salt, in carloads, from points in Michigan, Ohio, Indiana, and New York to destinations in Texas found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Baird Machine Co. v. New York, N. H. & H. R. Co.*, 157 I. C. C. 70

1454. Rates on fire, sea, and core sand, in carloads, moving interstate from certain points in Rhode Island and Massachusetts to destinations in Connecticut, Rhode Island, and Massachusetts found unreasonable. Reparation awarded.

*National Steel Barrel Co. v. Louisville & N. R. Co.*, 157 I. C. C. 75.

1455. Rates on iron or steel barrels or drums, in carloads, from New Orleans, La., to all destinations in southern territory, and certain destinations in Missouri and Illinois, and to Helena, Ark., found not unreasonable.

1456. Rates from New Orleans, La., to certain destinations in Mississippi Valley territory found unduly prejudicial. Nonprejudicial basis prescribed. Reparation denied.

*Riverside Monument Works v. Erie R. Co.*, 157 I. C. C. 81.

1457. Rate on rough-quarried granite from Barre, Vt., to Arlington, N. J., found unreasonable. Reparation awarded.

1458. Rate on rough-quarried and polished granite from Quincy Adams and West Quincy, Mass., and Barre and South Ryegate, Vt., to Rochelle Park, N. J., found unreasonable. Reasonable rates prescribed and reparation awarded.

*Crawfordsville v. Cleveland, C., C. & St. L. Ry. Co.*, 157 I. C. C. 87.

1459. Rate on bituminous coal, in carloads, from Oakwood, Ill., to Crawfordsville, Ind., found unreasonable. Reasonable rate prescribed and reparation awarded.

*Hardaway Contracting Co. v. Atlantic C. L. R. Co.*, 157 I. C. C. 90.

1460. Rate charged on one carload of cast-iron pipe from Albany, Ga., to Norfleet, Fla., found to have been unreasonable. Reparation awarded.

*Fisher Lumber Corp. v. Cleveland, C. C. & St. L. Ry. Co.*, 157 I. C. C. 93.

1461. Rates charged on six carloads of elm lumber from Myrtlewood, Ala., to Cleveland, Ohio, found inapplicable. Reparation awarded.

*Creomulsion Co. v. Southern Ry. Co.*, 157 I. C. C. 95.

1462. Rates on glass bottles, in carloads, from East St. Louis and Alton, Ill., to Griffin, Ga., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

*Standard Hardwood Lumber Co. v. Pennsylvania R. Co.*, 157 I. C. C. 100.

1463. Shipments of lumber, in carloads, from points in Arkansas, Indiana, and Illinois, milled in transit at Buffalo, N. Y., and forwarded to East Pittsburgh, Pa., found misrouted. Rates charged found applicable over the route of movement. Reparation awarded.

*Roach Creek Coal Mines v. Ann A. R. Co.*, 157 I. C. C. 103.

1464. Failure and refusal of defendant Tennessee Railroad Company to place empty cars at complainant's mine and to perform transportation service on coal, in carloads, therefrom to rail connection of mine road and the carrier, found to have been and to be unreasonable, unduly prejudicial, and to have resulted in damage to complainant. Defendant required to perform the service or, in the alternative, to pay an allowance to complainant. Reparation awarded.

*Bedford Pulp & Paper Co. v. Chesapeake & O. Ry. Co.*, 157 I. C. C. 110.

1465. Rate on pulpboard, in carloads, from Big Island, Va., to Atlanta, Ga., found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rate prescribed.

*Equitable Paper Bag Co. v. New York, N. H. & H. R. Co.*, 157 I. C. C. 115.

1466. Rates on wrapping paper, in carloads, from Holyoke, Mass., and Rumford, Me., to Bushwick Station, Long Island, N. Y., found not unreasonable. Complaint dismissed.

*Marble, Granite, and Stone*, 157 I. C. C. 119.

1467. Proposed restriction of application of joint commodity rates on marble, granite, and stone blocks, pieces, or slabs, carved, lettered, polished, or traced, in carloads, from Boston, Mass., rate points to destinations in central territory found justified. Order of suspension vacated and proceeding discontinued.

*Fresh Meats, Packing-house Products, and Other Articles Loaded in Peddler Cars*, 157 I. C. C. 121.

1468. Proposed cancellation of rates on fresh meats, packing-house products, and other articles, in peddler cars, from Illinois and Indiana points to destinations on branch lines of Chesapeake & Ohio, diverging from its main line at Catlettsburg, Ky., and Barboursville, W. Va., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

*Minneapolis, St. P. & S. S. M. Ry. Co.*, 143 I. C. C. 547.

1469. Final value for rate-making purposes, as of June 30, 1916, of the property owned or used by Minneapolis, St. Paul & Sault Ste. Marie Railway Company for common-carrier purposes found to be as follows: Owned and used, \$104,910,000; used but not owned, \$402,831; and owned but not used, \$214,525.

1470. Final value for rate-making purposes, as of June 30, 1917, of property owned or used by Wisconsin Central Railway Company for common-carrier purposes found to be as follows: Owned and used, \$46,040,000; and used but not owned, \$5,885,598.

1471. Final value for rate-making purposes, as of June 30, 1917, of common-carrier property owned by Central Terminal Railway Company, but not used by it, found to be \$5,290,000.

1472. Final value for rate-making purposes, as of June 30, 1917, of common-carrier property owned by Gogebic and Montreal River Railroad Company, but not used by it, found to be \$560,000.

1473. Final value for rate-making purposes, as of June 30, 1916, of the property owned and used by Minnesota Northwestern Electric Railway Com-



pany for common carrier purposes found to be \$931, and of property used but not owned, \$209,000.

1474. Final value for rate-making purposes, as of June 30, 1917, of the property owned and used by Wisconsin & Northern Railroad Company for common-carrier purposes found to be \$1,934,100, and of property used but not owned, \$22.

*Chicago & C. R. R. Co.*, 143 I. C. C. 814.

1475. Final value for rate-making purposes of the property of the Chicago and Calumet River Railroad Company, owned and used for common-carrier purposes, found to be \$207,000, as of June 30, 1919.

*Unity Rys. Co.*, 143 I. C. C. 833.

1476. Final value for rate-making purposes of the property of the Unity Railways Company, owned and used for common-carrier purposes, found to be \$363,100, as of December 31, 1920, and of property used but not owned, \$47.

*Asherton & G. Ry. Co.*, 143 I. C. C. 850.

1477. Final value for rate-making purposes of the property of the Asherton and Gulf Railway Company, owned and used for common-carrier purposes found to be \$279,225, as of June 30, 1917.

*Fort Smith & W. R. Co.*, 143 I. C. C. 863.

1478. Final value for rate-making purposes of the property of the Fort Smith and Western Railroad Company, owned and used for common-carrier purposes, found to be \$4,928,300, as of June 30, 1919, and of property used but not owned, \$5,760.

*Kansas City C. R. Co.*, 149 I. C. C. 1.

1479. Final value for rate-making purposes of the property of The Kansas City Connecting Railroad Company, owned and used for common-carrier purposes, found to be \$1,710,000, as of June 30, 1919.

*Alton & S. R.*, 149 I. C. C. 22.

1480. Final value for rate-making purposes of the property of the Alton and Southern Railroad, owned and used for common-carrier purposes, found to be \$1,856,000, as of June 30, 1919, and of the property used but not owned \$701.

*Chestnut R. Ry. Co.*, 149 I. C. C. 58.

1481. Final value for rate-making purposes of the property of the Chestnut Ridge Railway Company, owned and used for common-carrier purposes, found to be \$362,400, as of June 30, 1918, and of the property owned but not used, \$1,513.

*Wilmington Ry. B. Co.*, 149 I. C. C. 81.

1482. Final value for rate-making purposes of the property of the Wilmington Railway Bridge Company, owned but not used for common-carrier purposes, found to be \$322,500, as of June 30, 1917.

*Salt Lake C. U. D. & R. Co.*, 149 I. C. C. 95.

1483. Final value for rate-making purposes of the property of The Salt Lake City Union Depot and Railroad Company, owned and used for common-carrier purposes, found to be \$1,059,000, as of June 30, 1919.

*Piney R. & P. C. R. Co.*, 149 I. C. C. 111.

1484. Final value for rate-making purposes of the property of the Piney River and Paint Creek Railroad Company, owned but not used for common-carrier purposes, found to be \$265,000, as of June 30, 1916.

*Hamilton B. Ry. Co.*, 149 I. C. C. 126.

1485. Final value for rate-making purposes of the property of The Hamilton Belt Railway Company, owned and used for common-carrier purposes, found to be \$185,000, as of June 30, 1918.

*East St. L. J. R. Co.*, 149 I. C. C. 152.

1486. Final value for rate-making purposes of the property of the East St. Louis Junction Railroad Company, owned and used for common-carrier purposes, found to be \$438,600, as of June 30, 1919, and of the property used but not owned, \$1,200,000.

*Sierra Ry. Co. of Calif.*, 149 I. C. C. 171.

1487. Final value for rate-making purposes of the property of the Sierra Railway Company of California, owned and used for common-carrier purposes, found to be \$2,182,775, as of June 30, 1916, and of property used but not owned, \$5,115.

*Oklahoma C. J. Ry. Co.* 149 I. C. C. 200.

1488. Final value for rate-making purposes of the property of the Oklahoma City Junction Railway Company, owned and used for common-carrier purposes, found to be \$157,089, as of June 30, 1919, and used but not owned, \$3,560.

*Chicago & I. W. R.*, 149 I. C. C. 219.

1489. Final value for rate-making purposes of the property of the Chicago & Illinois Western Railroad, owned and used for common-carrier purposes, found to be \$1,111,607, as of June 30, 1918, and of property used but not owned, \$190,402.

*Northampton & B. R. Co.*, 149 I. C. C. 244.

1490. Final value for rate-making purposes of the property of the Northampton and Bath Railroad Company, owned and used for common-carrier purposes, found to be \$328,000, as of June 30, 1918, and of property used but not owned, \$7,000.

*Huntingdon & B. T. M. R. & C. Co.*, 149 I. C. C. 273.

1491. Final value for rate-making purposes of the property of The Huntingdon and Broad Top Mountain Railroad and Coal Company, owned and used for common-carrier purposes, found to be \$3,920,700, as of June 30, 1918, and of property owned but not used, \$4,600.

*Trinity & B. V. Ry. Co.*, 149 I. C. C. 301.

1492. Final value for rate-making purposes of the property of the Trinity & Brazos Valley Railway Company, owned and used for common-carrier purposes, as of June 30, 1916, found to be \$9,064,056, and of property used but not owned, \$510.

*Texas C. T. Co.*, 149 I. C. C. 337.

1493. Final value for rate-making purposes of the property of the Texas City Terminal Co., owned and used for common-carrier purposes, found to be \$3,940, as of June 30, 1917, and of property used but not owned \$2,490,000.

*Richmond B. Ry.*, 149 I. C. C. 352.

1494. Final value for rate-making purposes of the property of the Richmond Belt Railway, owned and used for common-carrier purposes, found to be \$137,224, as of June 30, 1916, and of property owned but not used, \$430,000.

*St. Louis S. W. Ry. Co.*, 149 I. C. C. 371.

1495. Final value for rate-making purposes as of June 30, 1915, of all properties embraced in this proceeding, used by the St. Louis Southwestern Railway system for common-carrier purposes, found to be \$58,535,235, including \$1,194,031 for working capital.

*International & G. N. Ry. Co.*, 149 I. C. C. 587.

1496. Final value for rate-making purposes of the property of the International and Great Northern Railway Company, owned and used for common-carrier purposes, found to be \$33,948,650, as of June 30, 1917, of the property used but not owned, \$59, and of the property owned but not used, \$51,328.

1497. Final value for rate-making purposes of the property of the Austin Dam and Suburban Railway Company, owned and used for common-carrier purposes, found to be \$36,700, as of June 30, 1917, and of the property used but not owned, \$11,575.

*Central R. Co. of N. J.*, 149 I. C. C. 659.

1498. Final value for rate-making purposes of the properties of the carriers embraced in this proceeding, used by the respective carriers for common-carrier purposes, found to be \$132,586,089, including \$3,110,000 for working capital, as of June 30, 1918.

*Pennsylvania R. Co.*, 22 Val. Rep. 1.

1499. Protests of the carriers against the tentative valuations of their properties considered and determined.

1500. The cost of clearing and grubbing wooded areas adjacent to a railroad right of way required by State law for minimizing fire risk should be included in an estimate of cost of reproduction, although the areas in question are not a part of the railroad's property.

1501. In determining the cost of reproduction of tunnels, topographical conditions as of valuation date are controlling and the conditions existing under original construction are immaterial.

1502. Donations made by private parties toward the construction of bridges erected to eliminate grade crossings differ from contributions by governmental authorities and should be disregarded in estimating cost of reproduction where the structure is owned by the railroad.

1503. The sources of railroad ties for maintenance purposes during the pricing period need not be used in estimating cost of reproduction where it is shown that ties are available from cheaper sources.

1504. Principles approved in prior decisions with respect to estimating the cost of reproduction of tracklaying and surfacing reaffirmed. The methods customarily obtaining in the construction of new railroads should be followed. Neither the cost of artificial seasoning and solidification nor maintenance expenses after the commencement of revenue operations is part of cost of reproduction new.

1505. Synchronous condensers installed on railroad property by a power company in connection with supplying electrical energy for the operation of trains held to be property used by the power company, not by the railroad.

1506. The cost of reproduction of carrier-built locomotives should be based on the market price of similar equipment during the pricing period rather than the cost of building such locomotives in railroad shops, where such cost does not include all proper overhead items.

1507. Trainmen's equipment not attached to individual cars is expendable property, included in working capital, and should be excluded from cost of reproduction.

1508. Athletic fields used exclusively by railroad employees are property devoted to common-carrier purposes.

1509. Where a railroad owning a right of way in fee conveys to a city an easement for street purposes, at the same time reserving and excepting the right in perpetuity to operate its line on elevated structures, it owns an interest in land rather than a right in public domain.

1510. A capitalization of ground rents can not properly be included in the investment in road and equipment account.

1511. Expenditures for property charged in the past to accounts other than investment in road and equipment may not be charged to the latter account without strict proof that such property was in existence on valuation date and that retirements have been accounted for correctly.

1512. Total final value for rate-making purposes of the various carriers embraced in this proceeding used by the respective carriers for common-carrier purposes found to be \$1,612,114,371, including \$53,605,168 for working capital as of the respective valuation dates.

*Pittsburgh, C., C. & St. L. Ry. Co.*, 24 Val. Rep. 1.

1513. Issues raised by the carriers against tentative valuations of their properties considered and determined.

1514. On a consolidation of two or more railroad corporations, the investment in road and equipment accounts of the consolidating companies can not properly be transferred to the books of the new company. Correct accounting requires that the consolidated company set up in its investment in road and equipment account the considerations paid for the property acquired in the consolidation.

1515. Original cost to date means the cost to the first person or corporation devoting the property to common-carrier service. Where investment in road and equipment accounts include prices at which the property was subsequently transferred from one railroad to another, they can not be accepted as showing original cost.

1516. Governmental contributions toward the building of bridges constructed to permit public works to pass over railroad right of way should be deducted in estimating cost of reproduction new.

1517. Telegraph lines constructed at the joint expense of a railroad company and a telegraph company are, in the absence of agreement as to title, the joint property of the two builders.



1518. In determining the estimate for general expenditures, these carriers are considered as part of the Pennsylvania Railroad system and, therefore one per cent of the primary road accounts, except Land, in lieu of 1.5 per cent, is used to obtain that estimate.

1519. Parcels of land used exclusively by carriers, comprising streets or portions thereof, which have not been vacated by municipal authority, are classified properly as rights in public domain.

1520. Rights in public domain should be valued at their cost to the carrier and not, as contended for by the protestants, at the value of the rights on valuation date.

1521. The total final value for rate-making purposes of the properties of the various carriers embraced in this proceeding and used by the respective carriers for common-carrier purposes found to be \$231,974,580, including \$5,280,900 for working capital, as of June 30, 1916.

*Chesapeake & O. Ry. Co.*, 24 Val. Rep. 451.

1522. Final value for rate-making purposes of the property of The Chesapeake and Ohio Railway Company, owned and used for common-carrier purposes, found to be \$187,935,000, as of June 30, 1916, and of the property used but not owned and owned but not used, \$7,764,335 and \$211,975, respectively.

1523. Final value for rate-making purposes of the property of The Chesapeake and Ohio Railway Company of Indiana, owned and used for common-carrier purposes, found to be \$9,314,000, as of June 30, 1916, and of the property used but not owned, \$105,713.

*Chicago, R. I. & P. Ry. Co.*, 24 Val. Rep. 709.

1524. Final value for rate-making purposes, as of June 30, 1915, of the property owned or used by The Chicago, Rock Island and Pacific Railway Company for common-carrier purposes, found to be as follows: Owned and used, \$251,909,983; owned but not used \$236,435; and used but not owned, \$70,319,312.

*Minnesota, D. & W. Ry. Co.*, 25 Val. Rep. 1.

1525. Final value for rate-making purposes of the property of the Minnesota, Dakota & Western Railway Company, owned and used for common-carrier purposes as of June 30, 1918, found to be \$780,790; owned but not used, \$5,625; and used but not owned, \$136.

*Akron, C. & Y. Ry. Co.*, 25 Val. Rep. 24.

1526. Final value for rate-making purposes of the property of The Akron, Canton & Youngstown Railway Company, owned and used for common-carrier purposes, found to be \$1,731,354, as of June 30, 1918, and of the property used but not owned \$690.

*Union Terminal Ry. Co. (of St. Joseph, Mo.)* 25 Val. Rep. 58.

1527. Final value for rate-making purposes of the property of the Union Terminal Railway Company (of St. Joseph, Mo.), owned and used for common-carrier purposes, found to be \$1,119,488 as of June 30, 1917.

*Kansas C. Terminal Ry. Co.*, 25 Val. Rep. 82.

1528. Final value for rate-making purposes of the property of the Kansas City Terminal Railway Company, owned and used for common-carrier purposes, found to be \$38,323,000, as of June 30, 1916, of the property owned but not used, \$9,066, and of the property used but not owned, \$147,222.

*Miami Mineral B. R. Co.* 25 Val. Rep. 142.

1529. Final value for rate-making purposes of the property of the Miami Mineral Belt Railroad Company owned and used for common-carrier purposes found to be \$327,925, as of June 30, 1919, and of the property used but not owned \$115,800.

*El Dorado & W. Ry. Co.*, 25 Val. Rep. 165.

1530. Final value for rate-making purposes of the property of the El Dorado and Wesson Railway Company owned and used for common-carrier purposes found to be \$124,35 as of June 30, 1918, and of property used but not owned \$721.

*Massena T. R. Co.*, 25 Val. Rep. 181.

1531. Final value for rate-making purposes of the property of The Massena Terminal Railroad Company, owned and used for common-carrier purposes,

found to be \$232,488 as of June 30, 1919, and of property used but not owned, \$932.

*New York, O. & W. Ry. Co.*, 25 Val. Rep. 199.

1532. Final value for rate-making purposes of the property of the New York, Ontario and Western Railway Company, owned and used for common-carrier purposes, as of June 30, 1916, found to be \$32,800, owned but not used \$102,000, and used but not owned \$10,459,907.

*Chicago, I. & L. Ry. Co.*, 25 Val. Rep. 291.

1533. The final value for rate-making purposes of the properties of the following carriers, as of June 30, 1915, owned or used for common-carrier purposes found to be: Chicago, Indianapolis and Louisville Railway Company, owned and used \$27,370,000, owned but not used \$8,312, and used but not owned \$4,323,581; Indianapolis & Louisville Railway Company owned but not used \$1,910,000; Indiana Stone Railroad Company owned but not used \$557,000.

*Detroit & T. S. L. R.*, 25 Val. Rep. 355.

1534. Final value for rate-making purposes of the property of The Detroit & Toledo Shore Line Railroad Co., owned and used for common-carrier purposes, as of June 30, 1917, found to be \$2,960,000.

*Northern P. Ry. Co.*, 25 Val. Rep. 397.

1535. Final value for rate-making purposes, as of June 30, 1917, of the property owned or used by Northern Pacific Railway Company for common-carrier purposes found to be as follows: Owned and used, \$416,290,000; used but not owned, \$2,261,760; and owned but not used, \$3,945,470.

1536. Final value for rate-making purposes, as of June 30, 1917, of the property owned or used by The Duluth Union Depot and Transfer Company for common-carrier purposes found to be as follows: Owned and used, \$1,161,565; used but not owned, \$6,300.

1537. Final value for rate-making purposes, as of June 30, 1917, of the property owned or used by Minnesota and International Railway Company for common-carrier purposes found to be as follows: Owned and used, \$3,723,400; used but not owned, \$475,000; owned but not used, \$1,080.

1538. Final value for rate-making purposes, as of June 30, 1917, of the property owned but not used by the Big Fork and Northern Railway Company, devoted to common-carrier purposes to be \$475,000.

1539. Final value for rate-making purposes, as of June 30, 1917, of the property owned and used by the Centralia Eastern Railroad Company for common-carrier purposes found to be \$151,418.

1540. Final value for rate-making purposes, as of June 30, 1917, of the property owned and used by the Billings and Central Montana Railway Company for common-carrier purposes found to be \$165,000.

*Pittsburg, S. & N. R. Co.*, 26 Val. Rep. 1.

1541. Final value for rate-making purposes of the properties of the following carriers, as of June 30, 1919, owned or used for common-carrier purposes, found to be: The Pittsburg, Shawmut and Northern Railroad Company, owned and used, \$7,512,000, and used but not owned, \$835,000; Clarion River Railway Company, owned but not used, \$177,000; The Kersey Railroad Company, owned but not used, \$419,000.

*Morristown & E. R. Co.*, 26 Val. Rep. 89.

1542. Final value for rate-making purposes of the property of the Morristown & Erie Railroad Company, owned and used for common-carrier purposes, found to be \$419,350, as of June 30, 1918.

*San Luis C. R. Co.*, 26 Val. Rep. 109.

1543. Final value for rate-making purposes of the property of The San Luis Central Railroad Company, owned and used for common-carrier purposes, found to be \$150,000 as of June 30, 1919.

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APPENDIX E

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DIGEST OF FEDERAL COURT DECISIONS

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## DIGEST OF FEDERAL COURT DECISIONS

A discussion of court decisions involving injunctions to restrain enforcement of orders of this commission and of decisions relative to criminal violations of the law can be found in the text of this annual report. The decisions abstracted herein involve questions of railway regulation which are closely related to matters arising before commissions.

### IN THE SUPREME COURT

#### INTERSTATE COMMERCE

In *Foster-Fountain P. Co. v. Haydel* (October 15, 1928), it was held that a State statute forbidding the shipping of raw and unshelled shrimp out of the State when the product produced and prepared within the State may be freely shipped, not because any portion is needed for consumption and use therein, but to compel the canning of the meat and the manufacture of the bran made from the shells and heads in the State, violates the commerce clause.

In *Jordan v. Tashiro* (November 19, 1928), it was held that the term "commerce" or "commercial" or "trade" may connote occupations and recognized forms of business enterprise which do not necessarily involve trading in merchandise.

In *Lawrence v. St. L.-S. F. Ry. Co.* (January 2, 1929), it was held that an order of a State railroad commission refusing to permit an interstate railroad company to change a terminal, the effect of which is to impair interstate passenger and freight service, violates the commerce clause.

In *Great Northern Ry. Co. v. State* (February 18, 1929), it was held that the refusal of a State to permit a railroad operating a line from mines within its limits to a dock in another State to deduct from the gross earnings of the road a sum for the use of the dock before apportioning the gross earnings for taxation purposes between the portions of the road within and without the State, is not an interference with interstate commerce.

In *Cudahy Packing Co. v. Hinkle* (February 18, 1929), it was held that exacting license fees from a foreign corporation doing an interstate business, based upon its authorized capital stock, by a State in which only a small portion of its property is located and a relatively small proportion of its business transacted, is invalid as an interference with interstate commerce.

In *Nashville, C. & St. L. Ry. v. White* (February 18, 1929), it was held that requiring the maintenance of a flagman at a dangerous highway crossing by a railroad company doing an interstate business, where there is rather constant travel by night and day, is not an unreasonable burden on interstate commerce.

In *Carson Petroleum Co. v. Vial* (April 8, 1929), it was held that the crucial question to be settled in determining whether personal property moving in interstate commerce is subject to local taxation is that of its continuity; and that oil brought for foreign export is not, while in storage tanks in a State other than that where the purchase is made, awaiting ships or the accumulation of a cargo, subject to taxation by such State, although the exact point of destination is not fixed and the ships are loaded from bulk without separation of the various shipments from the points of origin.

In *Helson v. Ky.* (April 8, 1929), it was held that transportation by ferry from one State to another is interstate commerce and immune from the interference of State legislature.

In *International Shoe Co. v. Shartel* (May 13, 1929), it was held that the mere fact that a corporation is engaged in interstate commerce does not relieve it of local burdens in respect of its property within the State or its intrastate business.

#### GRADE CROSSINGS

In *Lehigh Valley R. Co. v. Board of P. U. Commrs.* (November 19, 1928), it was held that the transportation act of 1920 did not take from the States

and thrust upon the Interstate Commerce Commission investigation into parochial matters, like the elimination of railroad grade crossings of highways, unless by reason of their effect upon economical management and service of the railroads their general bearing is clear.

#### CONFISCATORY RATES

In *United Fuel Gas Co. v. R. R. Commission* (January 2, 1929), it was held that a public-service corporation can not make a rate confiscatory by reducing its net earnings through the device of a contract unduly favoring a subsidiary or a corporation owned by its own stockholders.

In *Gilchrist v. Interborough R. T. Co.* (April 8, 1929), it was held that the determination of public authorities that they have no power to permit increase of rates of a carrier because of existing contracts is not arbitrary or unreasonable so as to justify an injunction against their interference with new rates proposed to be established by the carrier because old rates are low and confiscatory.

#### VALUATION OF PROPERTY

In the *United Fuel Gas Co. case*, above cited, it was further held that the book value placed by the producer of natural gas upon the property secured and held for that purpose may be accepted as its value for the purpose of rate making, in the absence of clear and convincing evidence of a higher value.

#### BILLS OF LADING ACT

In *Gleason v. Seaboard A. L. Ry. Co.* (January 2, 1929), it was held that Congress did not, by enlarging the liability of a carrier for the act of its agent in issuing fraudulent bills of lading, impliedly approve the rule which exempted the carrier from liability in other classes of transactions not involving bills of lading.

#### DEBTS OF PREDECESSOR OF RAILROAD

In *Missouri-K-T. R. Co. of Tex. v. Mars* (January 2, 1929), it was held that a statute rendering a reorganized railroad company liable for subsisting liabilities of its predecessor is not in conflict with the transportation act, 1920, providing that it shall be unlawful for any carrier to issue any share of stock or bond, or assume any obligation or liability in respect of the securities of any other person, unless the Interstate Commerce Commission orders such assumption.

#### "AFFECTED WITH PUBLIC INTEREST"

In *Williams v. Standard O. Co* (January 2, 1929), it was held that the public use which will justify the regulation of a business does not mean that it is affected with a public interest merely because it is large, or because the public are warranted in having a feeling of concern in respect to its maintenance.

#### CLAYTON ANTITRUST ACT

In *Van Camp & Sons Co. v. Amer. Can Co.* (January 2, 1929), it was held that a manufacturer of cans sold in interstate commerce who grants to a packer discounts, bonuses, and free use of sealing machines, which he denies to another packer, both of whom, being competitors in business, are engaged in interstate commerce, violates the Clayton Act.

#### RAILWAY MAIL PAY

In *United States v. New York C. R. Co.* (March 11, 1929), it was held that under the act of Congress giving the Interstate Commerce Commission power to adjust the compensation of the railroads for carrying the mails, the commission may make its order changing the rate of pay operative from the date of the filing of the application, although the order is not entered until a much later date.

## INTRASTATE RATES

In *Alabama v. United States* (April 8, 1929), it was held that the general powers of the Interstate Commerce Commission extend to the establishment of intrastate rates when necessary to prevent unjust discrimination against, and undue prejudice to persons and localities in, interstate commerce.

## ORDERS OF STATE COMMISSIONS

In the *United Fuel Gas Co. case*, above cited, it was further held that a public utility can not complain of an unauthorized order of a State commission establishing rates which are not shown to be confiscatory, or otherwise to inflict irreparable injury.

In *Sutter B. Canal Co. v. R. R. Commission* (April 8, 1929), it was held that the interpretation by a State court of an order of a State public service commission on a state question is binding on the Supreme Court of the United States.

## INCREASED FARES BY A TRANSIT COMPANY

In the *Gilchrist case*, above cited, it was further held that a transit company which has applied to a public commission for leave to increase fares as prescribed by statute can not defeat orderly action by application to the courts, under an allegation of an intent on the part of the commission to deny the relief sought.

## ABANDONMENT OF LINE

In the *United Fuel Gas Co. case*, above cited, it was also held that a public utility may not use its privileged position, in conjunction with the demand which it has created, as a weapon to control rates by threatening to discontinue that part of its service if it does not receive the rate demanded.

In *Central New Eng. R. Co. v. Boston & A. R. Co.* (May 13, 1929), it was held that permission granted to a railroad company by the Interstate Commerce Commission to abandon a portion of its line does not necessarily operate to cancel the obligation of the railroad company under a contract to pay rentals to another company for the use of its tracks in connection with the operation of such line, there being no necessary conflict between the contract and the order of the commission; a suit to recover such rentals may be brought in a State court; but a State court is without jurisdiction to set aside an order of the Interstate Commerce Commission.

In *United States v. Calif. Co-op. Canneries* (May 20, 1929), it was held that the question of constitutionality of a State statute prohibiting a railroad from abandoning any portion of its service to the public without first obtaining permission from the State public service commission may not be raised by a railroad company which has discontinued interstate trains rendering intrastate service without first applying to the State public service commission for permission to do so, where no emergency existed requiring immediate action, and no serious financial loss would have been incurred by the slight delay involved.

## NONPAR STOCK

In *New York v. Latrobe* (May 13, 1929), it was held that a State statute fixing the amount of a tax in the case of stock of nonpar value at a flat rate per share, while in the case of stock having par value the tax is fixed at a fraction of the par value, does not infringe the Fourteenth amendment.

## LAND-GRANT RATES

In *United States v. Galveston, H. & S. A. Ry. Co.* (May 13, 1929), it was held that mounts with which officers of the United States Army are required to provide themselves can not be considered as property of the United States, for the transportation of which the Government is entitled to land-grant rates.

## FALSIFICATION OF RECORDS

In *United States v. Fruit Growers Exp. Co.* (May 13, 1929), it was held that an independent contractor engaged in icing refrigerator cars, who, without colluding with the carrier, misreports to the carrier the quantity of ice



furnished, with the result that records kept by the carrier for the information of shippers and the Interstate Commerce Commission are rendered incorrect, can not be held criminally liable under the interstate commerce act.

#### DUTY OF ICING CARS MAY BE DELEGATED

In the last-named case, it was further held that a carrier may legally delegate the duty of icing cars to an independent contractor, though it may continue to be liable for the failure of such contractor to perform the duty thus delegated.

#### RECOVERY OF DAMAGES

In *Baltimore & O. R. Co. v. United States* (June 3, 1929), it was held that a carrier which by reason of an order of this commission has been compelled to bear the cost of transferring freight is entitled, on such order being set aside, to recover from the connecting carrier the amounts so paid, together with interest.

#### REASONABLE RATES

In *Atchison, T. & S. F. Ry. Co. v. United States* (June 3, 1929) it was held that the power of this commission to declare rates unreasonable applies alike to all rates, whether joint, local, or proportional.

#### IN THE CIRCUIT COURTS OF APPEALS

##### BILLS OF LADING

In *Oliver v. Osaka*, 27 F. (2d) 129, the court for the second circuit held that an endorsee of a bill of lading is presumptively the owner of the goods shipped.

In *Wilkinson v. Chicago, M. & G. R. Co.*, 32 F. (2d) 553, the court for the sixth circuit held that the carrier must deliver according to the bill of lading and original instructions until changed.

#### INTERSTATE COMMERCE

In *Amer. Motor Coach v. Philadelphia*, 28 F. (2d) 736, the court for the third circuit held that a State or municipality, in the absence of Federal legislation, may regulate the use of highways and exact a reasonable license fee without illegally burdening interstate commerce.

In *Marshall v. Texas & P. Ry. Co.*, 29 F. (2d) 660, the court for the fifth circuit held that unbroken shipments from Paragould, Ark., to Texarkana, Tex., and reconsigned from there to Marshall, Tex., were interstate and governed by interstate rates.

In *General Electric Co. v. Fed. Radio Comm.*, 31 F. (2d) 630, the court for the District of Columbia held that Congress has the power, under the commerce clause, to provide for the reasonable regulation of radio stations and establish agencies to give effect thereto.

In *Carolina & N. W. Ry. Co. v. Lincolnton*, 33 F. (2d) 719, the court for the fourth circuit held that ordinances requiring a railroad to replace wooden by concrete bridges over tracks are not invalid as burdening interstate commerce.

#### MOTOR VEHICLES

In the *Amer. Motor Coach case*, cited above, the court also held that ordinances regulating busses and exacting an annual license fee of \$50 per bus are not an unreasonable burden on interstate commerce.

#### THROUGH SHIPMENT

In the *Marshall case*, cited above, the court further held that a shipper, by reconsigning, is not entitled to the benefit of intermediate local rates, in the aggregate less than the interstate rate, in view of his intention to make a through interstate shipment.

## DEMURRAGE CHARGES

In *Krauss v. Mellon*, 30 F. (2d) 901, the court for the fifth circuit held that the rule that demurrage was not collectible, under tariffs containing no restrictions against reconsignment to embargoed points, was inapplicable to a shipper intending to evade embargo.

## EMBARGOED ROUTE

In the *Krauss* case, cited above, it was also held that a route which is embargoed against certain traffic can not be said to be available to shippers tendering such traffic.

## UNDERCHARGES

In *Strawberry Growers v. Amer. Ry. Express Co.*, 31 F. (2d) 947, the court for the fifth circuit held that a carrier, collecting less than legal express rates on interstate shipments, was not estopped from recovering the balance due from a shipper.

In *United States v. New York, C. & St. L. R. Co.*, 32 F. (2d) 887, the court for the sixth circuit held that a carrier was not estopped from claiming legal rates on a shipment of Government property by having previously accepted reduced rates.

## LIMITATION OF ACTIONS

In the *Strawberry Growers' case*, cited above, the court further held that a suit by a carrier to collect an undercharge in express rates on interstate shipments is governed by the limitation imposed by Congress, allowing suit within three years.

## RECONSIGNMENT CHARGES

In *Van Dusen Harrington Co. v. Northern P. Ry. Co.*, 32 F. (2d) 466, the court for the eighth circuit held that a consignee failing to give disposition order prior to the expiration of the free time became liable for the reconsignment charges; but that where the carrier fails to give notice of location of hold tracks as required by its published tariff, it is not entitled to recover the reconsignment charges on carloads of grain.

## TARIFFS

In the *Van Dusen Harrington case*, cited above, the court further held that the entire railroad tariff must be visualized and effect given to every word, clause, and sentence.

## FEDERAL CONTROL ACT

In *Schoening v. Chicago, B. & Q. R. Co.*, 30 F. (2d) 803, the court for the eighth circuit held that a carrier is not liable for damages accruing to land while it was under Federal control.

In *Schroeder v. Davis*, 32 F. (2d) 454, the court for the eighth circuit held that the right to sue the United States under the Federal control act for negligence in operating a railway is the same as if the Government was a common carrier.

## LAND-GRANT RAILROADS

In *United States v. New York, C. & St. L. R. Co.*, cited above, the court also held that a carrier's agreement to accept reduced rates on property moved by the Quartermaster's Department, and for which the Government was entitled to reduced rates over land-grant roads, did not include the Emergency Fleet Corporation's shipments of fuel oil.

## ABANDONMENT

In *Wheeling & L. E. Ry. Co. v. Pittsburgh & W. Va. Ry. Co.*, 33 F. (2d) 390, the court for the sixth circuit held that a contract granting a terminal company the right to do certain work to facilitate the building of a new station was not "abandonment" by a railroad of a station site, in view of the reservation for the restoration of the property.

## IN THE DISTRICT COURTS

## INTERSTATE COMMERCE

In *Mayor v. Central V. Ry. Co.*, 26 F. (2d) 905, the court for the southern district of New York held that a movement is in interstate commerce, if the purpose is to facilitate, or the movement becomes part of, interstate movement.

In *St. Louis S. W. Ry. Co. v. Emmerson*, 27 F. (2d) 1005, the court for the southern district of Illinois held that a franchise tax on corporations based on local business transacted does not unduly burden interstate commerce.

In *St. Louis & S. W. Ry. Co. v. Nattin*, 27 F. (2d) 766, the court for the western district of Louisiana held that the imposition on a railroad of taxes for payment of installment of bond issue of consolidated road district does not interfere with interstate commerce.

In *Griffin v. Seaboard A. L. Ry. Co.*, 28 F. (2d) 998, the court for the western district of Missouri held that a State law, authorizing service on an officer or agent of a foreign corporation, is not invalid, as imposing a burden on interstate commerce.

In *Independent G. & W. Co. v. Dunwoody*, 30 F. (2d) 306, the court for the middle district of Alabama held that a State law regulating warehouses, warehousemen, and others engaged in handling cotton pending interstate shipment was not invalid as interference with interstate commerce.

In *United States v. Amer. B. & M. Co.*, 31 F. (2d) 448, the court for the northern district of Illinois held that interstate commerce is involved in radio transmission and reception among the States.

It was further held in this case that Congress has the power to regulate interstate commerce, though interstate and intrastate transactions become so commingled that government of one incidentally controls the other.

In *Morrison M. Co. v. Hartford F. I. Co.*, 32 F. (2d) 271, the court for the western district of Washington held that a tug carrying a tow of box shooks from Anacortes, Wash., to Seattle, Wash., is engaged in interstate commerce, bringing it within the statute as to minimum number of officers.

In *Brooks v. Birmingham*, 32 F. (2d) 274, the court for the northern district of Alabama held that an ordinance prohibiting the exhibition of films illustrating indecent scenes is not violative of the commerce clause, though the films are imported into the State.

In *Erie R. Co. v. United States*, 32 F. (2d) 613, the court for the district of New Jersey held that the transportation of wood pulp recently imported by a broker from a port to a manufacturer within the State is not interstate commerce.

In *Must Hatch Incubator Co. v. Patterson*, 32 F. (2d) 714, the court for the district of Oregon held that a State can pass quarantine and inspection laws and prescribe necessary regulations, but the power should not burden interstate commerce.

In *Mathewes v. Port U. Comm.*, 32 F. (2d) 913, the court for the eastern district of South Carolina held that Congress has the power to make a municipality of a State liable for the torts of its agents, when it is engaged in interstate commerce.

In *Klabzuba v. Southern P. Co.*, 33 F. (2d) 359, the court for the western district of Washington held that a railroad merely maintaining an office in charge of representatives soliciting passenger and freight traffic was not "doing business" within the State.

In *Lehigh Valley R. Co. v. Board*, 33 F. (2d) 780, the court for the district of New Jersey held that a State's police power to regulate grade crossings for public safety was not affected by the transportation act, 1920.

## CONFISCATORY RATES

In *Interborough R. T. Co. v. Gilchrist*, 26 F. (2d) 912, the court for the southern district of New York held that a rate permitting a return of 2.65 per cent in 1926 and 2.52 per cent in 1927 is confiscatory.

In *Los Angeles Ry. Corp. v. R. R. Com.*, 29 F. (2d) 140, the court for the southern district of California held that an order of railroad commission denying a street railroad an increase over a 5-cent fare is confiscatory, where the return on the street railroad's rate basis was approximately 4.9 per cent and 7-cent fare would probably produce 7 per cent return.



In *International Ry. Co. v. Prendergast*, 29 F. (2d) 296, the court for the western district of New York held that a motion to dismiss a bill, alleging confiscation of property for failure to prescribe reasonable rates, will be denied notwithstanding the operation under prescribed rates and changed conditions.

In *Greencastle W. W. Co. v. P. S. Com.*, 31 F. (2d) 600, the court for the southern district of Indiana held that in a suit to restrain the enforcement of a rate order, the court's function is to determine whether the rates are confiscatory.

#### BILLS OF LADING

In *Mannell v. Luckenbach S. S. Co.*, 26 F. (2d) 908, the court for the western district of Washington held that the purchaser of a bill of lading is not entitled to recover on the ground that the bill misrepresented the articles.

In *Webb Sons Co. v. Central R. Co. of N. J.*, 28 F. (2d) 392, the court for the southern district of New York held that where no bill of lading was issued on delivery to the carrier, the terms of the uniform bill of lading control.

#### TRANSPORTATION OF LIVE POULTRY

In *Must Hatch Incubator Co. v. Patterson*, 27 F. (2d) 47, the court for the district of Oregon held that Congress has assumed control of the entire field of live poultry transportation from one State to another, invalidating State regulations.

#### LIMITATION OF ACTIONS

In *Galveston, H. & S. A. Ry. Co. v. Webster Co.*, 27 F. (2d) 765, the court, for the western district of Texas held that an interstate carrier's suit on a shipper's bond to recover freight charges is governed and barred by the Federal 3-year statute of limitations.

#### TRANSPORTATION BY MOTOR VEHICLES

In *Hi-Ball Transit Co. v. Texas R. R. Com.*, 27 F. (2d) 425, the court for the northern district of Texas held that a State statute providing for the regulation of transportation on the highways by motor common carriers is unconstitutional, when applied to interstate commerce; but that the State commission has authority over the intrastate business of carrying passengers over highways by motor common carriers.

#### ORDERS OF STATE COMMISSIONS

In *St. Louis-S. F. Ry. Co. v. Alabama P. S. Com.*, 27 F. (2d) 893, the court for the middle district of Alabama held that public-service commissions should not be interfered with except for unreasonable and unjust rulings.

In the *International Ry. Co. case*, cited above, the court further held that a State court's power to review the action of a public-service commission in fixing rates is not exercised to the exclusion of the Federal courts.

In the *Greencastle Co. case*, cited above, the court also held that a court will not review the actions of a public-service commission for the purpose of substituting its judgment in fixing utility rates.

#### ABANDONMENT OF LINE

In the *St. Louis-S. F. Ry. Co. case*, cited above, the court further held that a State statute, requiring a permit from the public-service commission before an abandonment by a transportation company of any portion of its public service, is within a State's police power.

In *Hill City Ry. Co. v. Youngquist*, 32 F. (2d) 819, the court for the district of Minnesota held that as to the right of a railroad to abandon its road because it can not be operated without a loss, the Minnesota commission has no jurisdiction over such question and can not grant permission to abandon on such ground.

#### DISCONTINUING TRAINS

In the *St. Louis-S. F. Ry. Co. case*, cited above, the court also held that a railroad, discontinuing trains between points in different States, was required to

secure the approval of a State public service commission, and 'without such approval could not enjoin the commission's action, or secure adjudication as to the necessity of the service.

#### VALUATION OF A STREET RAILROAD

In the *Los Angeles Ry. Corp. case*, cited above, the court further held that cost of construction, expenditures for permanent improvements, amount and value of securities, probable earning capacity, and operating expenses should be considered in determining the value of a street railroad's property for determining rates.

#### CONTRACT RATES

In *St. Louis-S. F. Ry. Co. v. Lawrence*, 30 F. (2d) 458, the court for the northern district of Oklahoma held that the interstate rates applicable to carriers can not be made the subject of private contract, and the same principle applies generally to all the essential instrumentalities of interstate commerce.

In *Chicago, I. & L. Ry. Co. v. International R Co.*, 33 F. (2d) 636, the court for the district of Minnesota held that a carrier accepting payments according to its published schedule can not recover the difference between the amount paid and the prior uncanceled rate, and that a carrier's action for freight charges is governed by rules applicable to ordinary contracts, where no preference, unreasonable rate, or unjust discrimination is involved.

#### REMOVAL OF DIVISION POINT

In the last-cited case, the court further held that the authority of a State corporation commission was not controlling as to the right of a railroad to remove a division point in the interest of economy and improved service to the public.

#### ALLOWANCES

In *Terminal Warehouse v. United States*, 31 F. (2d) 951, the court for the district of Maryland held that a carrier may not lawfully make allowances for a service rendered a shipper's goods, unless the service is performed for all shippers alike at the carrier's station.

#### PRIOR ACTION BY COMMISSION

In *Brashear v. Louisville & N. R. Co.*, 32 F. (2d) 373, the court for the eastern district of Kentucky held that whether a railroad was bound to furnish cars can not be considered by the court until this commission first acted on the question.

In *Marony v. Wheeling & L. E. Ry. Co.*, 33 F. (2d) 916, the court for the southern district of New York held that the interstate commerce act does not authorize a railroad to violate its obligation to convert preferred into common stock by failing to apply for the approval of the Interstate Commerce Commission.

In *Great N. Ry. Co. v. Board*, 33 F. (2d) 934, the court for the district of North Dakota held that it can not determine whether intrastate freight rates fixed by the State board discriminate against interstate commerce pending investigation before the Interstate Commerce Commission.

#### COMMON ARRANGEMENT

In *United States v. Munson S. S. Line*, 33 F. (2d) 211, the court for the district of Maryland held that it may entertain a proceeding to determine whether a water carrier is taking part in transportation under a common arrangement with a rail carrier.

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## APPENDIX F

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STATEMENTS OF CERTIFICATES AND ORDERS ISSUED  
UNDER VARIOUS SECTIONS OF THE INTERSTATE COM-  
MERCE ACT AND THE TRANSPORTATION ACT, 1920, AND  
STATEMENT OF PAYMENTS MADE BY CARRIERS UNDER  
SECTION 15A OF THE INTERSTATE COMMERCE ACT

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**CERTIFICATES OF CONVENIENCE AND NECESSITY FOR CON-  
STRUCTION ISSUED UNDER PARAGRAPHS (18) TO (22) OF  
SECTION 1 OF THE INTERSTATE COMMERCE ACT**

Name of applicant	Location of line	Mileage
Alabama, Tennessee & Northern R. R. Corp.	Mobile County, Ala.	0.340
Arkansas Western Ry. Co.	Scott County, Ark.	23.500
Baltimore & Ohio R. R. Co.	City of Baltimore and Anne Arundel County, Md.	2.000
Birmingham, Selma & Mobile R. R. Co.	Perry and Hale Counties, Ala.	32.000
Cane Belt R. R. Co.	Wharton and Fort Bend Counties, Tex.	35.000
Central Pacific Ry. Co.	Sacramento County, Calif.	8.600
Chicago & North Western Ry. Co.	Gogebic County, Mich.	4.250
Do.	Tripp and Mellette Counties, S. Dak.	33.700
Chicago, Milwaukee, St. Paul & Pacific R. R. Co.	Woodbury County, Iowa	2.600
Do.	Lewis County, Wash.	1.000
Chicago Produce Terminal Co.	Cook County, Ill.	23.000
Cisco & Northeastern Ry. Co.	Stephens County, Tex.	.250
Colorado R. R. Co.	Larimer County, Colo.	4.700
Grand Trunk Western Ry. Co.	St. Joseph County, Ind.	1.290
Gulf, Colorado & Santa Fe Ry. Co.	Dallas County, Tex.	7.000
Gulf, Colorado & Santa Fe Ry. Co., Panhandle & Santa Fe Ry. Co., Pecos & Northern Texas Ry. Co.	Nolan and Tom Green Counties, Tex.	.500
Kansas City, Merriam & Shawnee R. R. Co.	Johnson County, Kans.	.130
Kansas City, Mexico & Orient Ry. Co. of Texas.	Brewster and Presidio Counties, Tex.	86.000
Do.	Nolan and Tom Green Counties, Tex.	.270
Do.	Tom Green, Schleicher, and Sutton Counties, Tex.	65.000
Los Angeles & Salt Lake R. R. Co.	Clark County, Nev.	22.600
Louisville & Nashville R. R. Co.	Bell County, Ky.	7.690
Mayo & Cook's Hammock R. R. Co.	Lafayette County, Fla.	13.000
Missouri Southern R. R. Co.	Reynolds and Shannon Counties, Mo.	18.000
Montour R. R. Co.	Allegheny County, Pa.	2.230
Morgan's Louisiana & Texas Railroad & Steamship Co. and Texas & New Orleans R. R. Co.	Terrebonne Parish La.	8.170
New York Central R. R. Co.	Westchester County, N. Y.	4.612
Do.	St. Lawrence County, N. Y.	3.700
Do.	Morrow County, Ohio.	.040
Owensboro-Rockport Bridge Co.	Davies County, Ky., and Spencer County, Ind.	12.000
Pittsburgh, Cincinnati, Chicago & St. Louis Ry. Co.	Hamilton County, Ohio.	1.600
Prince George & Chesterfield Ry.	Chesterfield and Prince George Counties, Va.	16.000
St. Louis, Brownsville & Mexico Ry. Co.	Hidalgo County, Tex.	10.000
St. Louis Electric Terminal Ry. Co.	St. Louis County, Mo.	2.600
St. Louis Southwestern Ry. Co.	New Madrid, Pemiscot, and Dunklin Counties, Mo., and Mississippi County, Ark.	31.000
St. Paul & Kansas City Short Line R. R. Co.	Grundy, Livingston, Daviess, Caldwell, Ray, Clinton, and Clay Counties, Mo.	71.450
Sacramento Northern Ry.	Solano County, Calif.	7.500
San Antonio, Uvalde & Gulf R. R. Co.	Dimmit County, Tex.	4.700
San Francisco-Sacramento R. R. Co.	Contra Costa County, Calif.	.880
San Luis Valley Southern Ry. Co.	Taos County, N. Mex.	18.000
Santa Fe, San Juan & Northern R. R.	Sandoval County, N. Mex.	11.320
Sewell Valley R. R. Co.	Greenbrier County, W. Va.	1.400
Southern Pacific Co.	Yolo and Colusa Counties, Calif.	13.826
Tennega R. R. Co.	Polk County, Tenn., and Murray and Fannin Counties, Ga.	1.500
Western Pacific R. R. Co.	San Joaquin County, Calif.	3.250
Total number of miles.		618.198

# **CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ABANDON- MENT ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT**

Name of applicant	Location of line	Mileage
Baltimore & Ohio R. R. Co.....	Harrison County, W. Va.....	0.490
Canada Southern Bridge Co., Canada South- ern Ry. Co., and Michigan Central R. R. Co.....	Wayne County, Mich.....	2.290
Central West Virginia & Southern R. R. Co.....	Tucker and Randolph Counties, W. Va.....	29.500
Chicago & North Western Ry. Co.....	Landglade County, Wis.....	25.330
Do.....	Oconto and Langlade Counties, Wis.....	15.500
Chicago, Burlington & Quincy R. R. Co.....	Webster County, Wyo.....	6.870
Chicago Great Western R. R. Co.....	Douglas County, Nebr.....	3.947
Chicago, Rock Island & Pacific Ry. Co.....	Johnson County, Iowa.....	9.320
Do.....	Buchanan and Platte Counties, Mo.....	12.900
Chicago, St. Louis & New Orleans R. R. Co. and Illinois Central R. R. Co.....	Dyer County, Tenn.....	16.380
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co.....	Morrow County, Ohio.....	2.100
Denison, Bonham & New Orleans R. R. Co.....	Fannin and Grayson Counties, Tex.....	24.150
Detroit & Mackinac Ry. Co.....	Alpena County, Mich.....	11.645
Do.....	Alpena and Montmorency Counties, Mich.....	12.930
Detroit, Toledo & Ironton R. R. Co.....	Jackson and Vinton Counties, Ohio.....	17.430
El Paso & Southwestern R. R. Co.....	Luna County, N. Mex.....	31.940
Elwood, Anderson & Lapelle R. R. Co.....	Madison County, Ind.....	1.412
Fairchild & North-Eastern Ry. Co.....	Eau Claire and Clark Counties, Wis.....	23.520
Grand Trunk Western Ry. Co.....	St. Joseph County, Ind.....	.960
Hill City Ry. Co.....	Aitkin and Itasca Counties, Minn.....	17.500
Houston & Texas Central R. R. Co. and Texas & New Orleans R. R. Co.....	McLennan County, Tex.....	7.483
Kinston Carolina R. R. Co.....	Lenoir and Duplin Counties, N. C.....	31.086
Los Angeles & Salt Lake R. R. Co.....	Los Angeles County, Calif.....	1.410
Louisville & Nashville R. R. Co.....	Tuscaloosa County, Ala.....	2.000
Do.....	Whitley County, Ky.....	1.390
Massillon Belt Ry. Co.....	Stark County, Ohio.....	.013
Michigan Central R. R. Co.....	Wayne County, Mich.....	2.650
Mississippi Central R. R. Co.....	Forrest and Perry Counties, Miss.....	11.960
Missouri Pacific R. R. Co.....	Chicot County, Ark.....	6.269
Nashville, Chattanooga & St. Louis Ry.....	Lincoln County, Tenn., and Madison and Limestone Counties, Ala.....	36.910
New York Central R. R. Co.....	Westchester County, N. Y.....	6.030
New York, New Haven & Hartford R. R. Co. and Old Colony R. R. Co.....	Bristol County, Mass.....	.800
Northwestern Pacific R. R. Co.....	Marin and Sonoma Counties, Calif.....	36.480
Pacific Coast Ry. Co.....	Santa Barbara County, Calif.....	.430
Reading Co. and president and managers of the Mill Creek & Mine Hill Navigation & R. R. Co.....	Schuylkill County, Pa.....	.630
Red River & Gulf R. R.....	Evangeline Parish, La.....	6.000
Sardis & Delta R. R. Co.....	Panola County, Miss.....	13.600
Sligo & Eastern R. R. Co.....	Dent, Crawford, and Iron Counties, Mo.....	33.300
Southern Pacific Co.....	Polk County, Oreg.....	19.000
Southern Pacific Co. and Atchison, Topeka & Santa Fe Ry. Co.....	Kern County, Calif.....	2.470
Southern Pacific R. R. Co. and Southern Pacific Co.....	Ventura County, Calif.....	.590
Spokane, Coeur d'Alene & Palouse Ry. Co.....	Spokane County, Wash.....	1.340
Toledo-Detroit R. R. Co. and Detroit, Toledo & Ironton R. R. Co.....	Monroe County, Mich.....	6.980
Trinity Valley & Northern R. R. Co.....	Liberty County, Tex.....	12.200
Washington Western Ry. Co.....	Snohomish County, Wash.....	11.200
Waycross & Southern R. R. Co.....	Ware County, Ga.....	20.000
Western Maryland Ry. Co.....	York County, Pa.....	1.000
Wheeling & Lake Erie Ry. Co.....	Cuyahoga County, Ohio.....	.200
Total number of miles.....		539.535



**CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ACQUISITION AND/OR OPERATION OF LINES ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT**

Name of applicant	Location of line	Mileage
Alton & Southern R. R. Co.....	St. Clair County, Ill., and St. Louis County, Mo.....	4. 440
Atlantic Coast Line R. R. Co.....	Collier County, Fla.....	14. 000
Baltimore & Eastern R. R. Co.....	Talbot County, Md.....	12. 500
Do.....	Talbot, Dorchester, Wicomico, and Worcester Counties, Md.....	88. 000
Baltimore & Ohio Chicago Terminal R. R. Co.....	Cook County, Ill.....	2. 800
Baltimore & Ohio R. R. Co.....	Ross County, Ohio.....	5. 970
Bangor & Aroostook R. R. Co.....	Aroostook County, Me.....	6. 000
Belt Ry. Co. of Chicago.....	Cook County, Ill.....	10. 000
Boise & Western R. R. Co.....	Ada County, Idaho.....	25. 000
Bridgton & Harrison R. R. Co.....	Cumberland and Oxford Counties, Me.....	21. 230
Canton & Carthage R. R. Co.....	Madison, Rankin, Leake, and Neshoba Counties, Miss.....	52. 500
Casey & Kansas R. R. Co.....	Edgar, Coles, and Clark Counties, Ill.....	20. 000
Chesapeake & Ohio Ry. Co.....	Ross County, Ohio.....	5. 970
Chicago & Western Indiana R. R. Co.....	Cook County, Ill.....	9. 280
Chicago, Burlington & Quincy R. R. Co.....	Morrill, Scotts Bluff, and Sioux Counties, Neb.....	46. 670
Chicago Great Western R. R. Co.....	Douglas County, Nebr.....	2. 137
Chicago Produce Terminal Co.....	Cook County, Ill.....	23. 000
Chicago, Springfield & St. Louis Ry. Co.....	Morgan, Cass, and Mason Counties, Ill.....	59. 110
Detroit, Toledo & Ironton R. R. Co.....	Wayne, Lenawee, and Monroe Counties, Mich., and Fulton and Henry Counties, Ohio.....	70. 000
East Kentucky Southern Ry. Co.....	Carter and Lawrence Counties, Ky.....	13. 400
Edward Hines Western Pine Co.....	Harney and Grant Counties, Ore.....	50. 000
Ettick R. R. Co.....	Trempealeau County, Wis.....	11. 000
Grand Trunk Western Ry. Co.....	St. Joseph County, Ind.....	1. 540
Great Northern Ry. Co.....	Minnesota, North Dakota, South Dakota, and Montana.....	306. 190
Gulf, Colorado & Santa Fe Ry. Co. and/or Cane Belt R. R. Co.....	Wharton and Fort Bend Counties, Tex.....	52. 300
Gulf, Colorado & Santa Fe Ry. Co., Panhandle & Santa Fe Ry. Co., and Pecos & Northern Texas Ry. Co.....	Nolan and Tom Green Counties, Tex.....	23. 410
Gulf, Mobile & Northern R. R. Co.....	Newton, Lauderdale, Neshoba, Scott, Leake, Rankin, and Hinds Counties, Miss., and Madison, Crockett, and Dyer Counties, Tenn.....	152. 350
Illinois Terminal Co.....	St. Louis County, Mo.....	2. 600
John Hersker and Castleman River R. R. Co.....	Garrett County, Md., and Somerset County, Pa.....	14. 000
Kansas City, Merriam & Shawnee R. R. Co.....	Wyandotte and Johnson Counties, Kans.....	7. 000
Kansas City, Mexico & Orient Ry. Co. of Texas.....	Nolan and Tom Green Counties, Tex.....	32. 890
Kansas City Public Service Co.....	Wyandotte and Johnson Counties, Kans.....	7. 000
Louisiana & Arkansas Ry. Co.....	Arkansas and Louisiana.....	284. 070
Do.....	Pointe Coupee and West Feliciana Parishes, La.....	1. 000
McCloud River R. R. Co.....	Siskiyou County, Calif.....	6. 900
Manufacturers Ry. Co.....	St. Louis County, Mo., and St. Clair County, Ill.....	4. 440
Midland Valley R. R. Co.....	Cowley, Sumner, and Sedgwick Counties, Kans.....	50. 050
Minneapolis, St. Paul & Sault Ste. Marie Ry. Co.....	Crow Wing and Aitkin Counties, Minn.....	31. 000
Mississippi River Western Ry. Co.....	Mississippi County, Ark.....	1. 700
Montour R. R. Co.....	Allegheny County, Pa.....	. 820
New Orleans, Natalbany & Natchez Ry. Co.....	Tangipahoa Parish, La.....	3. 600
New York Central R. R. Co.....	Morrow County, Ohio.....	2. 100
New York, Chicago & St. Louis R. R. Co.....	Madison County, Ind.....	2. 162
Do.....	Cuyahoga County, Ohio.....	2. 490
Norfolk & Western Ry. Co.....	Hamilton County, Ohio.....	7. 000
Do.....	Norfolk County, Va.....	7. 300
Oregon, Pacific & Eastern Ry. Co.....	Lane County, Oreg.....	1. 000
Oregon Short Line R. R. Co.....	Elko County, Nev.....	1. 180
Panhandle & Santa Fe Ry. Co.....	Johnson County, Okla.....	13. 000
Pennsylvania R. R. Co.....	Hamilton County, Ohio.....	7. 000
Do.....	do.....	1. 600
Pittsburgh & West Virginia Ry. Co.....	Allegheny County, Pa.....	22. 630
Port Isabel & Rio Grande Valley Ry.....	Cameron County, Tex.....	26. 350
Reading Co.....	Columbia County, Pa.....	20. 260
St. Paul & Kansas City Short Line R. R. Co.....	Wayne County, Iowa, and Mercer and Grundy Counties, Mo.....	61. 860

**CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ACQUISITION AND/OR OPERATION OF LINES, ETC.—Continued**

Name of applicant	Location of line	Mileage
San Antonio, Uvalde & Gulf R. R. Co. et al.	Nueces County, Tex.	4.500
Santa Fe, San Juan & Northern R. R.	Sandoval County, N. Mex.	57.100
Southern Pacific Co.	Calaveras County, Calif.	4.440
Do.	Los Angeles County, Calif.	2.960
Southern Pacific Co. and Atchison, Topeka & Santa Fe Ry. Co. et al.	do.	126.000
Tennega R. R. Co.	Polk County, Tenn., and Murray County, Ga.	9.500
Texas & New Orleans R. R. Co. et al.	Harris County, Tex.	52.840
Texas & New Orleans R. R. Co. and/or Galveston, Harrisburg & San Antonio Ry. Co.	Wharton and Fort Bend Counties, Tex.	27.300
Wheeling & Lake Erie Ry. Co.	Cuyahoga County, Ohio.	2.700
Do.	Stark County, Ohio.	.100
Wichita Falls & Southern R. R. Co.	Wichita County, Tex., and Waurika County, Okla.	35.000
Yazoo & Mississippi Valley R. R. Co.	Madison Parish, La., and Warren County, Miss.	1.400
Total number of miles		2,035.639

**AUTHORIZATION OF CONTROL OF ONE CARRIER BY ANOTHER  
CARRIER UNDER PARAGRAPH (2) OF SECTION 5 OF THE INTER-  
STATE COMMERCE ACT**

Carrier acquiring control	Control acquired		
	Owning company	Miles of road	How acquired
Atchison, Topeka & Santa Fe Ry. Co.	Kansas City, Mexico & Orient Ry. Co.	272.000	Lease.
Do-----	Kansas City, Mexico & Orient Ry. Co. of Texas.	465.750	Purchase of stock.
Atchison, Topeka & Santa Fe Ry. Co. and Illinois Central R. R. Co.	Chicago Produce Terminal Co.	47.690	Purchase of stock.
Belt Ry. Co. of Chicago-----	Burlington South Chicago Terminal R. R. Co.	9.280	Lease.
Buffalo, Rochester & Pittsburgh Ry. Co.	Reynoldsville & Falls Creek R. R. Co.	12.650	Do.
Chicago, Burlington & Quincy R. R. Co.	North Platte Valley Ry. Co.	32.940	Do.
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co.	Cincinnati Northern R. R. Co. and Evansville, Indianapolis & Terre Haute Ry. Co.	344.910	Do.
Colorado & Southern Ry. Co.	Colorado R. R. Co.	141.953	Do.
Fort Worth & Denver City Ry. Co.	Fort Worth & Denver South Plains Ry. Co.	1.370	Do.
Georgia & Florida R. R.	Statesboro Northern Ry.	40.000	Extension of lease.
Gulf, Colorado & Santa Fe Ry. Co.	Cane Belt R. R. Co.	35.000	Lease.
Kansas & Sidell R. R. Co.	Casey & Kansas R. R. Co.	20.000	Do.
Louisiana & Arkansas Ry. Co.	Louisiana Ry. & Navigation Co.	330.550	Purchase of stock and lease.
Louisville & Nashville R. R. Co.	Louisville, Henderson & St. Louis Ry. Co.	181.040	Lease.
Manistee & Northeastern Ry. Co.	Leelanau Transit Co.	24.500	Do.
Missouri-Illinois R. R. Co.	Mississippi River & Bonne Terre Ry.	62.000	Purchase of stock and lease.
Missouri Pacific R. R. Co.	Missouri-Illinois R. R. Co.	136.500	Purchase of stock.
New York Central R. R. Co.	Cleveland, Cincinnati, Chicago & St. Louis Ry. Co., Michigan Central R. R. Co., and Chicago Kalamazoo & Saginaw Ry. Co.	4,383.410	Lease.
New York Central R. R. Co. et al.	Railway Express Agency, Incorporated.	-----	Purchase
Oklahoma Ry. Co.	Oklahoma City Junction Ry. Co.	5.500	Lease.
Do-----	Oklahoma Belt R. R. Co.	5.140	Purchase of stock and lease.
Panhandle & Santa Fe Ry. Co.	Kansas City, Mexico & Orient Ry. Co. of Texas.	467.000	Lease.
Railway Express Agency, Incorporated.	American Railway Express Co.	-----	Purchase.
Reading Co.	Catasauqua & Fogelsville R. R. Co.	31.470	Operating contract.
Do-----	Gettysburg & Harrisburg Ry. Co.	41.600	Do.
Do-----	Mount Carmel R. R. Co.	5.860	Lease.
Do-----	North East Pennsylvania R. R. Co.	25.610	Operating contract.
Do-----	Perkiomen R. R. Co.	38.210	Do.
Do-----	Philadelphia & Chester Valley R. R. Co.	23.960	Do.
Do-----	Philadelphia, Newtown & New York R. R. Co.	22.140	Do.
Do-----	Pickering Valley R. R. Co.	11.210	Do.
Do-----	Reading & Columbia R. R. Co. and Reading, Marietta & Hanover R. R. Co.	54.150	Do.
Do-----	Stony Creek R. R. Co.	10.230	Do.
Do-----	Williams Valley R. R. Co.	11.080	Do.
St. Louis Southwestern Ry. Co.	Gideon & North Island R. R. Co., Deering Southwestern Ry., and Blytheville, Leachville & Arkansas Southern R. R. Co.	62.230	Purchase of stock.
St. Louis Southwestern Ry. Co. of Texas.	Stephenville North & South Texas Ry.	105.180	Supplemental lease.
Seaboard Air Line Ry. Co.	Prince George & Chesterfield Ry.	16.000	Purchase of stock.
Southern Pacific Co.	Nevada-California-Oregon Ry.	155.000	Lease.
Do-----	Northwestern Pacific R. R. Co.	514.680	Purchase of stock.
Do-----	Visalia Electric Ry. Co.	10.200	Lease.
Texas & Pacific Ry. Co.	Texas Short Line Ry. Co.	10.040	Purchase of stock.
Texas & New Orleans R. R. Co.	Texas State R. R.	32.680	Lease.
Toledo & Ohio Central Ry. Co.	Mount Gilead Short Line Ry.	2.100	Do.
Wabash Ry. Co.	Lake Erie & Fort Wayne R. R. Co.	4.760	Purchase of stock.
Total-----	-----	8,207 573	



# AUTHORIZATION OF CONSOLIDATION OF TELEPHONE COMPANIES AND ACQUISITION OF TELEPHONE PROPERTIES UNDER PARAGRAPH (9) OF SECTION 407 OF THE TRANSPORTATION ACT, 1920, AS AMENDED

Bell Telephone Co. of Pennsylvania to acquire the properties of the Bethel Telephone Co., serving 843 subscribers, with 10 pole-miles of toll lines, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire the properties of the Cresco & Greentown Telephone Co., serving 400 subscribers, with 2.5 pole-miles of toll lines, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire certain properties of the Red Bank Telephone Co., serving 143 subscribers; and latter company to acquire certain properties of the Bell Telephone Co. of Pennsylvania, serving 208 subscribers, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire the properties of the Susquehanna Telephone Co., serving 1,735 subscribers, with 113 pole-miles of toll lines, in Pennsylvania.

Chesapeake & Potomac Telephone Co. of Virginia to acquire the telephone properties of C. R. Adair, doing business as the Narrows Telephone Co., serving 117 subscribers, in Virginia.

Chesapeake & Potomac Telephone Co. of Virginia to acquire the properties of the York & Warwick Telephone Corporation, serving 173 subscribers, in Virginia.

Chesapeake & Potomac Telephone Co. of Virginia to acquire the properties of the Culpeper Telephone Co., serving 1,901 subscribers, with 94.5 pole miles of toll lines, in Virginia.

Chesapeake & Potomac Telephone Co. of West Virginia to acquire the telephone properties of M. C. Johnson, doing business as the Barboursville Telephone Co., serving 218 subscribers, in West Virginia.

Chesapeake & Potomac Telephone Co. of West Virginia to acquire the telephone properties of H. C. White, doing business as the Gauley Telephone Co., serving 43 subscribers, with 25 pole miles of toll lines, in West Virginia.

Chesapeake & Potomac Telephone Co. of West Virginia to acquire the properties of the Hurricane Telephone Co., serving 56 subscribers, in West Virginia.

Emporia Telephone Co. to acquire control of the Paola Telephone Co., by purchase of capital stock, which serves 931 subscribers, in Kansas.

Emporia Telephone Co. to acquire control of the Sabetha Telephone Co., by purchase of capital stock, which serves 1,042 subscribers, in Kansas.

Illinois Bell Telephone Co. to acquire the properties of the Harvard Telephone Co., serving 770 subscribers, in Illinois.

Michigan Bell Telephone Co. to acquire the properties of the Leelanau Mutual Telephone Co., serving 189 subscribers, in Michigan.

Michigan Bell Telephone Co. to acquire the properties of the Leslie Home Telephone Co., serving 439 subscribers, in Michigan.

Michigan Bell Telephone Co., to acquire the properties of the Walled Lake Home Telephone Co., serving 288 subscribers, in Michigan.

Mountain States Telephone & Telegraph Co. to acquire the properties of the Montezuma County Telephone Co., serving 337 subscribers, with 44 pole-miles of toll lines, in Colorado.

Mountain States Telephone & Telegraph Co. to acquire the properties of the Miles City-Broadus Telephone Co., consisting of 104 pole-miles of toll lines, in Montana.

Mountain States Telephone & Telegraph Co. to acquire the telephone properties of Otto Schulz, doing business as the Springs Exchange and the Wilsall Telephone Co., serving 227 subscribers, with 36.5 pole-miles of toll lines, in Montana.

Mountain States Telephone & Telegraph Co. to acquire the telephone properties of A. E. Bailey et al., doing business as the Dexter Home Telephone Co., serving 150 subscribers, in New Mexico.

Mountain States Telephone & Telegraph Co. to acquire the telephone properties of Robert Bourne, doing business as the Duran-Vaughan Telephone Co., serving 87 subscribers, with 112.3 pole-miles of toll lines, in New Mexico.

Mountain States Telephone & Telegraph Co. to acquire the properties of the Estancia Telephone Co., serving 170 subscribers, with 134 pole-miles of toll lines, in New Mexico.

Mountain States Telephone & Telegraph Co. to acquire the telephone properties of W. W. Gilstrap et al., doing business as the Roy Telephone Co., serving 62 subscribers, with 60 pole-miles of toll lines, in New Mexico.

Mountain States Telephone & Telegraph Co. to acquire the properties of the Uintah Telephone Co., serving 590 subscribers, with 262 pole-miles of toll lines, in Utah.

Mountain States Telephone & Telegraph Co. to acquire the properties of the Garfield County Telephone & Telegraph Co., serving 105 subscribers, with 122 pole-miles of toll lines, in Utah and Arizona.

Mountain States Telephone & Telegraph Co. to acquire the properties of the Wyoming Telephone Co., serving 194 subscribers, in Wyoming.

New Jersey Bell Telephone Co. to acquire the properties of the Hackettstown Telephone & Telegraph Co., serving 810 subscribers, in New Jersey.

New Jersey Bell Telephone Co. to acquire the properties of the Hammonton Telephone & Telegraph Co., serving 685 subscribers, in New Jersey.

New York Telephone Co. to acquire control of the Catskill Mountain Telephone Co., by purchase of capital stock, which serves 976 subscribers, with 39.6 pole-miles of toll lines, in New York.

New York Telephone Co. to acquire the properties of the East Berne Telephone Co., and the Rensselaerville & Westerlo Telephone Co., which serve 366 subscribers, with 21.5 pole-miles of toll lines, in New York.

New York Telephone Co. to acquire the telephone properties of J. R. McAllister et al., serving 143 subscribers, in New York.

New York Telephone Co. to acquire the properties of Our Own Telephone Co., serving 450 subscribers, in New York.

Northern California Telephone Co. to acquire the properties of the Lake County Telephone Association, serving 83 subscribers, in California.

Northern New York Telephone Corporation to acquire the properties of the Rich Hill Telephone Co., serving 231 subscribers, in New York.

Northwestern Bell Telephone Co. to acquire the telephone properties of J. Earle Rolston et al., serving 665 subscribers, in Nebraska.  
 Northwestern Bell Telephone Co. to acquire the properties of the Project Telephone Co., serving 233 subscribers, with 25 pole-miles of toll lines, in South Dakota.  
 Pacific Telephone & Telegraph Co. to acquire control of the Consolidated Utilities Co., by purchase of capital stock, which serves 2,658 subscribers, in California.  
 Pacific Telephone & Telegraph Co. to acquire control of the Corona Home Telephone & Telegraph Co., by purchase of capital stock, which serves 950 subscribers, in California.  
 Pacific Telephone & Telegraph Co. to acquire the telephone properties of J. R. Fort, doing business as the Coast Telephone Co., serving 247 subscribers, in California.  
 Public Utilities California Corporation to acquire the properties of the Nevada, California & Oregon Telephone & Telephone Co., serving 1,200 subscribers, with 234 pole-miles of toll lines, in Nevada, California, and Oregon.  
 Southern Bell Telephone & Telegraph Co. to acquire the telephone properties of E. M. Warfield, doing business as the Home Telephone Exchange, serving 184 subscribers, in Kentucky.  
 Southern Bell Telephone & Telegraph Co. to acquire the properties of the Fern Creek Telephone Co., serving 181 subscribers, in Kentucky.  
 Southern Bell Telephone & Telegraph Co. to acquire the properties of the Jackson Home Telephone Co., serving 460 subscribers, in Tennessee.  
 Sullivan Telephone Co., Incorporated, to acquire the properties of the Livingston Manor Telephone Co., serving 316 subscribers, in New York.

**CERTIFICATES ISSUED IN SETTLEMENT UNDER SECTION 204 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1929**

Carrier	Gross amount certified	Deductions on account of traffic balances
Bartlett Western.....	\$3,379.85	\$2,833.41
Laona & Northern.....	7,247.14	-----
Ludington & Northern.....	1,044.25	-----
Total amount certified.....	11,671.24	2,833.41

**CASES DISMISSED UNDER SECTION 204 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1929**

Calumet, Hammond & Southeastern.	Massillon Belt.
Galesburg & Great Eastern.	San Diego & Arizona.
Glenfield & Western.	Santa Fe, Raton & Eastern.
Hartford Eastern.	South Shore.
Lancaster, Oxford & Southern.	

**CERTIFICATES ISSUED IN SETTLEMENT UNDER SECTION 209 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1929**

Carrier	Amount certified
Bartlett Western.....	<sup>1</sup> \$481.20

<sup>1</sup> Represents amount due the United States.

**LOANS CERTIFIED TO THE SECRETARY OF THE TREASURY UNDER SECTION 210 OF THE TRANSPORTATION ACT, 1920, AS AMENDED, SINCE THE EFFECTIVE DATE OF SAID ACT, REPAYMENTS MADE ON ACCOUNT OF SUCH LOANS, AND STATUS OF THE REVOLVING FUND CREATED BY SAID SECTION**

Carrier	Total loans	Total repayments	Net outstanding indebtedness
Akron, Canton & Youngstown	\$212,000.00	\$212,000.00	-----
Alabama & Vicksburg	1,394,000.00	1,394,000.00	-----
Alabama, Tennessee & Northern	489,000.00	296,250.00	\$192,750.00
Ann Arbor	650,000.00	650,000.00	-----
Aransas Harbor Terminal	50,000.00	1,356.18	48,643.82
Atlanta, Birmingham & Atlantic	200,000.00	200,000.00	-----
Baltimore & Ohio	<sup>1</sup> 8,200,000.00	8,200,000.00	-----
Bangor & Aroostook	<sup>2</sup> 253,100.00	253,100.00	-----
Birmingham & Northwestern	75,000.00	75,000.00	-----
Boston & Maine	26,705,479.00	7,318,500.00	19,386,979.00
Buffalo, Rochester & Pittsburgh	1,000,000.00	1,000,000.00	-----
Cambria & Indiana	250,000.00	250,000.00	-----
Carolina, Clinchfield & Ohio	10,000,000.00	10,000,000.00	-----
Central New England	300,000.00	300,000.00	-----
Central of Georgia	237,900.00	237,900.00	-----
Central Vermont	193,000.00	193,000.00	-----
Charles City Western	140,000.00	-----	140,000.00
Chesapeake & Ohio	9,097,000.00	9,097,000.00	-----
Chicago & Eastern Illinois	785,000.00	785,000.00	-----
Chicago & Western Indiana	8,000,000.00	1,239,000.00	6,761,000.00
Chicago Great Western	2,685,373.00	1,685,373.00	1,000,000.00
Chicago, Indianapolis & Louisville	200,000.00	200,000.00	-----
Chicago, Milwaukee & St. Paul	70,340,000.00	70,340,000.00	-----
Chicago, Rock Island & Pacific	<sup>3</sup> 11,430,540.00	11,430,540.00	-----
Cisco & Northeastern	236,450.00	236,450.00	-----
Cowlitz, Chehalis & Cascade	45,000.00	45,000.00	-----
Cumberland & Manchester	375,000.00	375,000.00	-----
Des Moines & Central Iowa	633,500.00	-----	633,500.00
Erie	11,574,450.00	11,574,450.00	-----
Evansville, Indianapolis & Terre Haute	400,000.00	400,000.00	-----
Fernwood, Columbia & Gulf	33,000.00	13,000.00	20,000.00
Flemingsburg & Northern	7,250.00	7,250.00	-----
Fort Dodge, Des Moines & Southern	200,000.00	-----	200,000.00
Fort Smith & Western	156,000.00	156,000.00	-----
Gainesville & Northwestern	75,000.00	-----	75,000.00
Georgia & Florida	792,000.00	-----	792,000.00
Great Northern	33,496,000.00	33,496,000.00	-----
Greene County	60,000.00	48,000.00	12,000.00
Gulf, Mobile & Northern	1,433,500.00	1,433,500.00	-----
Hocking Valley	1,665,000.00	1,665,000.00	-----
Illinois Central	4,440,000.00	4,440,000.00	-----
Indiana Harbor Belt	579,000.00	579,000.00	-----
International & Great Northern	194,300.00	194,300.00	-----
Kansas City, Mexico & Orient	5,000,000.00	5,000,000.00	-----
Kansas City Terminal	580,000.00	580,000.00	-----
Lake Erie, Franklin & Clarion	25,000.00	25,000.00	-----
Long Island	719,000.00	719,000.00	-----
Louisville & Jeffersonville Bridge	162,000.00	162,000.00	-----
Maine Central	2,373,000.00	2,373,000.00	-----
Minneapolis & St. Louis	<sup>4</sup> 1,768,190.00	96,728.25	1,671,461.75
Missouri & North Arkansas	3,500,000.00	-----	3,500,000.00
Missouri, Kansas & Texas of Texas	450,000.00	450,000.00	-----
Missouri Pacific	10,071,760.00	10,071,760.00	-----
New Orleans, Texas & Mexico	<sup>5</sup> 1,160,000.00	1,160,000.00	-----
New York Central	26,775,000.00	26,775,000.00	-----
New York, New Haven & Hartford	27,530,000.00	27,530,000.00	-----
Norfolk Southern	1,666,000.00	1,666,000.00	-----
Northern Pacific	6,000,000.00	6,000,000.00	-----
Pennsylvania	12,480,000.00	12,480,000.00	-----
Peoria & Pekin Union	1,799,000.00	1,799,000.00	-----
Rutland	61,000.00	61,000.00	-----
Salt Lake & Utah	1,000,000.00	127,400.00	872,600.00
Seaboard Air Line	<sup>6</sup> 19,857,400.00	3,254,512.16	16,602,887.84
Shearwood	29,000.00	15,798.94	13,201.06
Tampa Northern	100,000.00	100,000.00	-----
Tennessee Central	1,500,000.00	1,500,000.00	-----
Terminal Railroad Association of St. Louis	896,925.00	896,925.00	-----

<sup>1</sup> Includes \$5,200,000 loaned through National Railway Service Corporation.

<sup>2</sup> Includes \$53,100 loaned through National Railway Service Corporation.

<sup>3</sup> Includes \$1,568,540 loaned through National Railway Service Corporation.

<sup>4</sup> Includes \$386,190 loaned through National Railway Service Corporation.

<sup>5</sup> Includes \$926,000 loaned through National Railway Service Corporation.

<sup>6</sup> Includes \$4,400,000 loaned through Seaboard Bay-Line Co.



**LOANS CERTIFIED TO THE SECRETARY OF THE TREASURY UNDER SECTION 210 OF THE TRANSPORTATION ACT, 1920, ETC.—Contd.**

Carrier	Total loans	Total repayments	Net outstanding indebtedness
Toledo, St. Louis & Western .....	\$692,000.00	\$368,000.00	\$324,000.00
Trans-Mississippi Terminal .....	1,000,000.00	1,000,000.00	—
Virginia Blue Ridge .....	106,000.00	—	106,000.00
Virginia Southern .....	38,000.00	—	38,000.00
Virginian .....	2,000,000.00	2,000,000.00	—
Waterloo, Cedar Falls & Northern .....	1,320,000.00	60,000.00	1,260,000.00
Western Maryland .....	3,422,800.00	3,422,800.00	—
Wheeling & Lake Erie .....	7 6,764,000.00	4,287,886.60	2,476,113.40
Wichita Northwestern .....	381,750.00	—	381,750.00
Wilmington, Brunswick & Southern .....	90,000.00	—	90,000.00
Total .....	350,600,667.00	294,002,780.13	56,597,886.87

7 Includes \$3,304,000 loaned through National Railway Service Corporation.

**STATUS OF REVOLVING FUND**

Appropriation .....	\$300,000,000.00
Accrued interest and repayments of principal paid to Oct. 31, 1929 .....	377,986,775.32
Total .....	677,986,775.32
Tentatively reserved for claims, judgments, etc., arising out of Federal control .....	40,000,000.00
Balance available for loans .....	637,986,775.32
Total loans certified .....	350,600,667.00
Unencumbered balance .....	287,386,108.32

**PAYMENTS MADE BY CARRIERS OF ONE-HALF OF THEIR EXCESS NET RAILWAY OPERATING INCOME, AS PRELIMINARILY COMPUTED, UNDER PARAGRAPH (6) OF SECTION 15a OF THE INTER-STATE COMMERCE ACT, DURING THE YEAR ENDED OCTOBER 31, 1929**

Name of carrier	Year to which applicable				Total
	Various	1926	1927	1928	
Conemaugh & Black Lick R. R. Co. ....	—	—	—	\$5,345.50	\$5,345.50
Cornwall R. R. Co. ....	—	—	—	2,408.00	2,408.00
Duluth, Missabe & Northern Ry. Co. ....	—	—	—	364,780.35	364,780.35
Durham & Southern Ry. Co. ....	—	—	—	10,738.79	10,738.79
Genessee & Wyoming R. R. Co. ....	—	—	—	18,822.93	18,822.93
Philadelphia, Bethlehem & New England R. R. Co. ....	—	—	—	10,525.00	10,525.00
Port Huron & Detroit R. R. Co. ....	1 \$83,436.76	\$21,622.18	\$19,211.61	32,401.97	156,672.52
South San Francisco Belt Ry. Co. ....	—	—	1,374.54	—	1,374.54
Unity Railways Co. ....	—	—	—	25,012.15	25,012.15
Warrenton R. R. Co. ....	—	—	—	4,240.34	4,240.34
Total .....	1 83,436.76	21,622.18	20,586.15	474,275.03	599,920.12

1 Applicable as follows: \$335.59 to 1922; \$569.63 to 1923; \$37,302.23 to 1924; and \$45,229.31 to 1925.



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